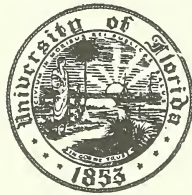




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**EDITED BY SAMUEL HAZARD.**

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**VOL XII---FROM JULY 1833 TO JANUARY 1834.**

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# HAZARD'S REGISTER OF PENNSYLVANIA.

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## IMPORTANT TRIAL.

A Report of the following trial has been issued in a pamphlet form, containing the testimony adduced—which, as the material facts are interwoven with Judge Pettit's charge, now inserted, we deem it unnecessary to publish, referring those who wish to see more of the details of the case to the pamphlet itself. This trial excited a good deal of interest, and continued about twenty-one days.

In the District Court for the city and county of Philadelphia, before *Thomas M. Pettit*, Judge, and a special jury, to wit : George Adolph, James H. Cresson, Jeremiah Boone, Sansom Perot, Leopold N. Wykoff, William Kinsey, John Newman, Nathaniel Brannin, Andrew Fenton, Jacob Hummell, James D. Pratt, and Paul Jones.

Anthony Shermer,  
*vs.*

Joseph Rusling, George Thumert, Alexander Rankin, Enoch Burnett, William Mager, Benton Costin, Thomas Mullin, Frederick Reel, John G. Wolf, John Gable, Abel Matthias, Isaiah Wharton, Jacob Zeigler, William Thomas, William Thomas, No. 2, Frederick Steinman, Benjamin Butterfield, John Little, Samuel Rinedollar, and Josiah Eadle.

## JUDGE PETTIT'S CHARGE.

JUDGE PETTIT, after advertising to the patient attention of the jury, and the able arguments of the counsel, proceeded to deliver his charge, substantially as follows :

This, gentlemen of the jury, is an action of trespass on the case brought by Anthony Shermer against Joseph Rusling and eighteen other defendants. It is necessary, in order to arrive at a sound decision, that the precise case presented by the pleadings should be kept distinctly in view.

The plaintiff *alleges*, in his declaration, *first*, the existence of a corporation called "The St. John's Street Methodist Episcopal Church in the City and County of Philadelphia;"—*secondly*, that he was a member of that corporation; and *thirdly*, that he was a leader of a class in the congregation, according to the rules and discipline established by said corporation.

He *complains*, *first*, that the defendants by unlawful and malicious conspiracy among them, had, did, unlawfully, maliciously, and without any previous notice or just cause, remove him from his said office of class leader; *secondly*, that they did unlawfully, maliciously and oppressively, and without any just or reasonable cause, expel him from the said corporation; and *thirdly*, that they did by Joseph Rusling, openly and publicly in presence of the congregation, proclaim and declare that he was expelled from the said church.

For the injury thus alleged he claims damages.

The defendants have pleaded *not guilty*.

Whether this declaration sets forth a legal ground of action, is a question of some interest. The defendants' counsel were about to argue it, when I suggested that they could have raised the point on a *demurrer* before

taking issue on the merits; but as they had waived that course, I would at present hold the law to be in favour of the plaintiff, so that a full decision on the merits of the cause might be had, while the defendant would have the benefit of a review of the law hereafter, in case your verdict should be for the plaintiff. You will take the case therefore to be clear of all embarrassment of that kind. Should it become necessary the court will hereafter look to this question.

Before entering into the main case, allow me to make some general remarks which I deem applicable to the subject.

It is a universal rule, that wherever the legal rights of one individual are invaded by another, the law will furnish a remedy by suit or action. A plaintiff is not required to show as essential to a recovery, that the precise case has occurred before. If he has been deprived of a legal right, if he has sustained a civil injury, he will find a remedy in the law, although it should happen that a like case is not to be found in the law books.

The right of the citizen to worship Almighty God according to the dictates of his conscience, is a natural and inalienable one, and is recognised and unalterably established by the constitution of our commonwealth. As no man can of right be compelled to join any religious society, or to maintain any ministry against his consent, so no man can be prohibited from leaving any religious association which he has voluntarily joined, on his complying with the conditions which he had himself agreed to by the act of becoming a member. That there might be no possible misapprehension on this subject, it is declared to be one of the great and essential principles of free government, that no human authority can in any case whatever control or interfere with the rights of conscience.

While this is the rule as to individuals, corporations for religious purposes also have their rights; as they are created by the law, so they are authorised to do every thing needful for their good government, not repugnant to the constitution and laws. In this country, religious societies are not only tolerated by the law, but in the faithful exercise of their powers, and in the honest enjoyment of their privileges, they are protected by it. In relation then to this plaintiff and these defendants, and the corporation referred to in the plaintiff's declaration, the law of the land is equal and just.

This suit is certainly a peculiar one. I said early in the investigation that I could recollect no such case in practice or in the books, and asked the counsel to refer to a precedent if one could be found. Their researches have not enabled them to produce it. Still, however, if a wrong has been done to the plaintiff, if any of his legal rights have been taken away by the unlawful and malicious conduct of the defendants, I lay it down to you as a rule for your government, under the reservation already mentioned, that the law will give him redress.

The action is trespass on the case. The distinction is, that where the act complained of is an *immediate* wrong, against all forms of law, trespass *vi et armis* is the proper action; but where the forms of legal process are used, but used *oppressively* and *maliciously*, trespass on the case furnishes the appropriate remedy. In the first case the *immediate* act gives the party his action



for the injury sustained, without relation to the motive of the act; in the latter case the *motives* of the defendant must be inquired into as forming part of the very essence of the suit.

Though the plaintiff alleges that he has suffered injury through the *conspiracy* of the defendants, yet this is only an action on the case in the nature of a conspiracy; the words in the declaration "by conspiracy among them had," are but matters of aggravation, and are not necessary to be proved to support the action. The *damage* sustained by the party is the substance of the action, and not the *conspiracy*. Hence a verdict against one defendant only, acquitting all the rest, would be good.

It is not to be overlooked that in actions of this kind, the plaintiff has some advantages in relation to the production and exclusion of testimony. Of the persons acquainted with the facts, he may select such as will suit his purposes for witnesses, and by inserting the names of the others in the writ and giving some evidence, no matter how slight, to connect them with the doing of the acts complained of, he may exclude their testimony from the court and jury. The jury, however, while they will give a plaintiff just protection, will always take care that the defendants are not injured by an abuse of this privilege.

It is also proper to remark, that while proper actions for malicious torts will be sustained by courts and juries, still, as a general rule, such actions are not to be encouraged. We are not to be astute in looking for improper motives. The plaintiff in every instance must fully prove his case.

The cause before you is in many respects different from the ordinary action for damages sustained by a malicious prosecution in an alleged criminal matter, or an action for a malicious arrest under civil process. In those actions we refer to proceedings in the legal tribunals of the country;—in this, the plaintiff shows proceedings against him by the authorities (claiming to be duly constituted) of a corporation, and decisions against him by those authorities:—namely, the minister in charge;—the committee appointed to try him; and the quarterly conference. Again, in those actions the plaintiff must allege and prove that the proceedings complained of, had actually terminated in his favour. In the present instance the plaintiff makes no such allegation, and it is part of the case that the removal from his place as class leader, and the expulsion from his membership in the corporation are in full force. In those actions, the persons constituting the tribunals, whether magistrates, judges, or jurors, cannot be assailed, while here—the plaintiff has included in his writ many of the individuals who composed the tribunals which decided against him.

I have already stated that the legal effects of this difference need not be considered now;—it being comprehended in the matters for review hereafter, if you find for the plaintiff on the merits.

This action is however so far analogous to those just referred to, that the plaintiff alleges oppression, malice, and want of just or reasonable cause. On this subject the principles of law, which govern those actions, must control the present one also. The plaintiff admits this by his declaration and the course of the argument. It is yielding to him all that can possibly be asked, to regard him as standing upon the ground of a party brought before the civil tribunals, and regularly acquitted and discharged. If his case cannot be made out upon these principles, it certainly cannot be made out at all.

The plaintiff must then prove the malice of the defendants, and the want of probable cause for their proceedings in regard to him. No matter what errors in point of fact the defendants may have committed, yet if they were *honest* errors;—if there was no *malice*, and no *want of probable cause*, this suit cannot be sustained.

Malice is a necessary ingredient. The injury and the damage to the plaintiff must be proved, and further

that they were occasioned by the malicious conduct of the defendants. The proof of malice may be either positive, or it may be collected from the circumstances of the case. The jury are to judge of the testimony, and thence determine whether or not there has been malice. Among the circumstances from which the jury may infer malice is the want of probable cause. This, however, may or may not amount to sufficient evidence of malice. The jury are to judge.

In addition to the proof of malice, there must be proof of the want of probable cause. No matter how malicious the conduct of the defendants may have been; yet if there was probable cause, this action will not lie.

These are uncontrovertible rules of law; and when the grounds of them are investigated, it is found that sound policy and good sense unite in giving a sanction to them. They cannot be too earnestly pressed upon your attention.

Doubts have been sometimes expressed as to the precise duty of the court and jury respectively, in regard to probable cause. In this case, however, no difficulty on that head need be felt. After explaining to you the meaning of *probable cause*, I will leave the application to the facts entirely to your own discretion and judgment.

I adopt the views of an eminent Judge, when I say, I understand the term *probable cause*, to mean, "a reasonable ground of suspicion, supported by facts sufficiently strong in themselves to warrant a cautious man in the belief that the person accused, is guilty of the offence of which he is charged."

An innocent man may become an object of suspicion and of a prosecution founded in motives of resentment; but if he has intentionally acted in such a manner as to furnish to a reasonable mind ground for the suspicion, he must submit to the consequences of his own conduct. He cannot claim the aid of the law to compensate him for the losses to which he has exposed himself.

The general views having been stated, it becomes proper for us to look to the exact question to be decided.

The whole case will be found to be comprehended in *two points*.

1. The removal of the plaintiff from his station as a class leader.

2. The expulsion of the plaintiff from the church, and his consequently being deprived of his rights as a corporator.

The *third* allegation of the plaintiff, relative to a public declaration from the pulpit of his expulsion, is not relied on, and has not been proved.

Then as to the removal from the station of class leader.

What is a *leader*?

A book has been given in evidence, and referred to by both parties, as containing "The doctrines and discipline of the Methodist Episcopal Church."

In the first section of the second chapter of this work, it is stated that:

"Each society is divided into smaller companies, called classes, according to their respective places of abode. There are about twelve persons in a class; one of whom is styled the *Leader*—It is his duty,

I. To see each person in his class once a week at least; in order,

1. To inquire how their souls prosper:

2. To advise, reprove, comfort, or exhort, as occasion may require:

3. To receive what they are willing to give, towards the relief of the preachers, church, and poor.

II. To meet the ministers and the stewards of the society once a week; in order,

1. To inform the minister of any that are sick, or of any that walk disorderly, and will not be reprovved.

2. To pay the stewards what they have received of their several classes in the week preceding."

In the second section of the second chapter, there is



this question with the answer. "*Ques. 2.* Can anything more be done in order to make the class meetings lively and profitable?"

*Answ.* Change improper leaders."

And in the ninth Section of the first chapter it is declared to be one of the duties of a *preacher* in charge of a circuit, "to *appoint* all the leaders, and to *change* them when he sees it necessary."

The plaintiff, in joining this society, made all these provisions the law for himself. They formed, as to this matter, the rule between him and every other member of the Methodist Episcopal Church. As there is nothing in them inconsistent with the law of the land, he is not at liberty to come into a civil court and question either their expediency or their legitimate effects. He accepted his appointment as a class leader by virtue of them, and when Mr. Rusling became the preacher in charge, he, as such preacher, had the power to remove any leader when he saw it necessary.

Now, if Mr. Rusling *honestly* removed the plaintiff, it is not for us to inquire whether his discretion was wisely and prudently exercised or not. If there was no malice in his act, and no want of probable cause for it, the court and jury have nothing to do with it. Indeed, as this office of class leader confers no *civil* rights, the question was made in the argument, whether, even supposing that the plaintiff had stated a sufficient ground of action on the other point, this could be made the subject of a suit at law; whether, in other words, the loss of such an office, under any circumstances, could produce such a damage as the law would recognise. Whatever I might have deemed it my duty to say, had this been the only or the prominent question in the cause, I hold it right, considering the direction which the counsel on both sides have given to the case, to regard this also as a reserved question of law, and, for the present, to assume the position that the action will lie even on this part of the plaintiff's declaration.

But as the malice and the want of the probable cause must be shown, in order to sustain it, it will be necessary for you to look carefully at the facts.

The two principal witnesses on the part of the plaintiff, who give us the account of the meeting at which this removal took place, are *Jacob Zeigler* and *Jeremiah Walton*.

[The Judge here referred to the circumstances under which these witnesses appeared, and the remarks of the counsel on both sides as to their credibility or accuracy, and after stating that these were matters exclusively for the decision of the jury, proceeded to read from his notes their testimony on this head. He then referred to the testimony of *John H. James*, a witness on the part of the defendants, and after leaving the question as to his credibility and accuracy also exclusively to the jury, read from his notes, Mr. James' testimony also on this point.]

The amount of all this testimony seems to be, that Mr. Rusling, at a leaders' meeting, requested the plaintiff to give some explanation of a charge which he said he understood the plaintiff had been circulating, that he, Mr. Rusling, had made a false statement. To a request so reasonable as this, and urged, as it appears, in a becoming tone and manner, Mr. Shermer repeatedly declared he would give no answer, until he (S.) had a trial with Enoch Burnett. No reason for the trial with Burnett is given, and after consultation with the meeting, Mr. Rusling, in what he alleges to be the prudent exercise of his legitimate powers, removes the plaintiff from the station of class leader.

The subject of the *false statement*, and the claim for a trial with Burnett, subsequently present themselves again, and will, hereafter, require some further notice.

So far, it would be difficult to point out any evidence of malice, or want of probable cause, in relation to this removal. If the subsequent circumstances furnish any such evidence, it will be proper for you to consider it.

Mr. Shermer complains of injustice—the subject is kept alive, and a trial before a committee of the congregation is ordered. [The judge here read from his notes, some of the testimony of the witnesses.]

A question was made in regard to the *demand* for this trial. From the record of its proceedings, and from the statement which Mr. Thatcher made to Mr. Shermer without contradiction, it would be fair to presume that Mr. Shermer called for it. However, this cannot be of much importance.

The trial before the committee is the second feature of this transaction, and as it led to the expulsion of the plaintiff from the church, it furnishes, what his counsel have properly stated it to be, the main ground of this suit. If the trial before the committee had not taken place, it is not probable that an action would have been brought concerning the place of class leader. This being undoubtedly the great question in the cause, the jury will give it the full investigation to which it is entitled.

The first matter in order is the accusation. Mr. Rusling charged the plaintiff with,

1. *Slander*, in these words: "Anthony Shermer has unjustly and falsely slandered my character as a minister, by propagating that I had made a false statement.

2. "For *falsehood* also, inasmuch as he did, on Thursday evening last, before a class, declare that he did not know why his class was taken from him.

"*Philadelphia, June 19, 1829.*"

The next step is the appointment of the committee.

In the ninth section of the first chapter of the work before mentioned, it is laid down to be one of the duties of the elder, deacon, or preacher who has the special charge of a circuit,

"To receive, try, and expel members according to the forms of discipline."

In the seventh section of the second chapter, in answer to the question, "How shall an accused member be brought to trial?" it is declared as follows:

"*Answ.* 1. Before the society of which he is a member, or a select number of them, in the presence of a bishop, elder, deacon, or preacher, in the following manner: Let the accused and accuser be brought face to face; but if this cannot be done, let the next best evidence be procured. If the accused person be found guilty by the decision of a majority of the members before whom he is brought to trial, and the crime be such as is expressly forbidden by the word of God, sufficient to exclude a person from the kingdom of grace and glory, let the minister or preacher who has the charge of the circuit, expel him. If the accused person evade a trial, by absenting himself, after sufficient notice given him, and the circumstances of the accusation be strong and presumptive, let him be esteemed as guilty, and be accordingly excluded—Witnesses from without shall not be rejected."

Mr. Thatcher testifies that, according to his impressions of his duty, where the contest was between a member and a preacher in charge, he, as the presiding elder, undertook to appoint the committee and preside at the trial. He therefore wrote to the plaintiff the note of the 19th of June, 1829, stating his views on this point, furnishing a copy of the charges, and requesting Mr. Shermer to attend before the committee at the time and place mentioned. Mr. Thatcher says, that when he delivered the charges to the plaintiff, he (the plaintiff,) expressed high satisfaction that Mr. Thatcher should try his case, adding, that he now should have justice done him.

Mr. Thatcher explains the manner in which he made a selection of names for the committee, and Mr. Shermer, in his affidavit, submitted to the Supreme Court, which has been read to you, states the fact to be that Mr. Thatcher appointed the committee.

I have been thus minute on this topic, because, from something which fell from one of the witnesses, an effort



was made to show that Mr. Rusling and Mr. Matthias made the appointment of the committee. Their connexions with it fully appears in the evidence of Mr. Thatcher.

The committee met.

Several witnesses, Messrs. Walton, Zeigler, Thatcher, and others, gave an account of what took place before them.

Mr. Thatcher's testimony has been attacked by the plaintiff's counsel, under circumstances which require some notice from the Court.

He held the station of *Presiding Elder* of the district; an office of high rank in the Methodist Episcopal church, conferred only on ministers of experience and elevated character, with powers and duties which appear from the work already quoted to be of a very important nature. He was produced as a witness by the plaintiff himself, and his testimony taken before arbitrators has now been read in his absence, under an agreement of counsel comprehending this and other evidence. His statement is clear, consistent, and marked with intelligence. Why then should it be questioned? It was not until it was found that it would not aid the cause of the plaintiff, who had thus produced him, that an effort was made in the argument of the plaintiff, to throw doubts upon his motives and his accuracy. In this state of the matter, I deem it my duty to say, that Mr. Thatcher appears to me to be entitled to all respect and confidence at the hands of the court and jury. While I do this, however, I repeat what has been stated as to the other witnesses, that the degree of weight which will be given to his testimony, is still to be ultimately determined by the jury.

[The Judge then referred to the record of the proceedings of the committee, and read an extract from it.]

Taking the whole testimony into view, it would seem, that the *facts* mentioned in the charges were strictly proved; namely, that Mr. Shermer had propagated, that Mr. Rusling had made a false statement; that Mr. Shermer had, in class, declared he did not know why his class was taken from him; and again, that he did know why it was taken from him.

The *offences* charged to be the result of the facts, and which the Committee believed to be made out by the proof of the specifications, were *slander* and *falsehood*.

It would seem also, from the whole evidence, that Mr. Shermer objected, as soon as the charges were stated before the Committee, to going on with the trial, for three reasons:

1. That one of the Committee, John Gabel, had prejudged his cause.
2. That he was entitled, in the first place, to a trial with Burnett.
3. That two of the Committee had made out or signed the annual report which furnished the ground of the *statement* alleged to be a *false* one.

This third objection has been since ascertained to have been made under a mistake in point of fact, and the other two are the only points relied on here.

The objections were overruled, under the circumstances and in the manner stated by Mr. Thatcher and others; Mr. Shermer withdrew; the committee proceeded in the case, and gave their decision upon it.

It is contended on the part of the plaintiff that there was error in overruling these objections, and in the whole proceeding; and that this furnished evidence of combination and malice in the defendants, some of whom were members of the Committee.

How stands the matter? Mr. Thatcher states that he told Mr. Shermer that if he had asked the names of the Committee at the time of the notification of trial, and then objected, he (Mr. T.) would have done any thing in his power to have got those to whom he would not have objected, but that the *discipline* did not admit of objections at that stage of the business. He adds,

that Mr. Shermer refused to make any defence, threatened to appeal to the laws of his country, and withdrew.

It is not enough that the plaintiff shows he made *objections*;—he must prove that he sustained damage by their being overruled;—he must also exhibit something more than a mere error of judgment; the malice and the want of probable cause should be made to appear.

Now when the question as to John Gable's having prejudged the cause is examined, it appears from the statement of John Ribble, as in evidence before you, that Gable had told him that A. Shermer ought to go out; and it is somewhere in evidence that Gable alluded to this as having been spoken *in fun*. The true question would have been: Has Gable formed and expressed an opinion as to the guilt or innocence of A. Shermer in regard to the particular charges about to be tried? If no proof that he had formed such an opinion, could have been offered, the objection should have been overruled on its merits. You, Gentlemen, will, upon all this, determine for yourselves, how far there was error here at all. If there was any—then how far it was Mr. Thatcher's only, or was shared by any or all of these defendants;—and whether it was *honestly* committed or was wilfully and *maliciously* perpetrated to the actual oppression and injury of the plaintiff.

Then as to the claim of a trial with Burnett. It seems from some of the evidence that Burnett had *declared* that Mr. Shermer had said that Mr. Rusling had made a false statement. This is all the explanation we have upon this subject. This also will be finally passed upon by you; but I cannot resist remarking that I am at a loss to perceive how a demand for a trial with Burnett for merely making such a declaration, could have furnished the slightest reason for a postponement of the trial before the Committee. No formal accusation appears to have been presented against Burnett, and the complaint alleged, would seem to have involved one of the very questions which were about to be investigated. A decision either that Mr. Burnett had, or that he had not, made such a declaration, would have determined nothing as between Mr. Shermer and Mr. Rusling.

It has been contended that the allegation of Mr. Shermer, even if not correct, did not amount to *slander*; in other words, that the charge of making a *false* statement meant nothing more than the charge of making an *erroneous* or *mistaken* statement. The Committee gave a different construction to the words, and as he did not attempt to substantiate his assertion, they convicted him of *slander*.

I incline to the opinion, that, without consulting lexicographers, ninety-nine men in every hundred would agree with the Committee in their construction of the words "*false statement*;" would feel that a charge against themselves of making a *false* statement, was an imputation upon their characters for integrity and honor; would suppose that such an accusation contained an implication that the *statement* itself, and the *thoughts* of the party making it were not in harmony. If however a reasonable doubt could be ingeniously raised, courts and juries should require a very strong case indeed before they would undertake to shield an individual from the effects of the obvious and usual inferences to be drawn from his own language. Even if the phrase had been ambiguous, would it not have furnished *probable ground* for mistake? and if so, the law would not have awarded damages for any injury that might by possibility have resulted. Every man employing such language, does it at his own risk.

But further, one of the counsel for the plaintiff has contended that Mr. Rusling had actually made erroneous statements, both on the 14th of April, 1829, as to certain temporal affairs of the church, and on the 28th day of December, 1828, relative to the pay of the Rev. Mr. Miller, designated by the witnesses as *father Miller*. The facts do not appear to have been investigated



by the Committee, but they have been thoroughly examined here.

It would seem from Mr. Walton's testimony, confirmed on this point by other proof, that the *statement* in question on the trial of Mr. Shermer before the Committee, was that of the 14th of April, giving an outline of the annual report.

Mr. Walton and Mr. Hultzert substantially agree in their accounts of this statement. Among other things, Mr. Rusling said, "the gallery built cost \$900, and all paid; the blinds \$100, and paid; the fixtures, benches, lamps, building a front wall cost about \$500, and this was all paid but \$150, and that was in a note not yet due and supposed it would be met." These are the very words of Mr. Walton the principal witness for the plaintiff. He adds, "the Church certainly owed upwards of \$3000 at that time; this was the statement as to which the dispute arose;" and again, "there was no general balance for and against the Church stated at that time by Mr. Rusling."

Now it is very clear that when Mr. Rusling said "this was all paid but \$150," he expressly referred to the sum of \$500 mentioned immediately before, and to nothing else; and it is in evidence by the books of the Church that he was so far right.

Under these circumstances, Mr. Shermer insisted that Mr. Rusling had made a *false* statement, because there was a much larger sum than \$150 due by the Church on a general balance of its accounts. And it struck me as not a little extraordinary that Mr. Walton appeared to labour under the same error, even while giving his evidence here, and furnishing a history of Mr. Rusling's statement, having the effect (though not so designed) of preventing misconception in any impartial mind.

As to the statement about father Miller, I will refer to it presently.

The next step was the decision of the Committee.

They unanimously pronounced him *guilty* of the charges; which were *slander* and *falsehood*.

Mr. Thatcher testifies as follows: "Having received their decision, and taking the *discipline* in my hand, I wrote the language "guilty of crimes expressly forbidden by the word of God, and sufficient to exclude him from the kingdom of grace and glory;" (Sect. 2. Chap. 2.) Further than this I could not go, these are the terms of the judgment."

The presiding elder having given his opinion in writing that *slander* and *falsehood* as proved against Mr. Shermer were crimes, "expressly forbidden," &c.—pursuing the words above quoted, refers any further action to Mr. Rusling the minister in charge, whose duty, by the same section, is declared to be, in the case of a conviction of any such crime, to *expel* the party.

What does the expulsion amount to? In the same section of the second chapter it is laid down that "After such forms of trial and expulsion, such persons shall have no privileges of society or of sacraments, in our church, without contrition, confession, and proper trial."

As soon as Mr. Thatcher had reduced his opinion to writing, he delivered the document to the minister. This was on the 23d of June, 1829. He adds "I went over immediately and notified Mr. Shermer, and added that there would be a space allowed him to consider and propose terms of peace to the Church, and save his expulsion. There was no imperative necessity to his being expelled if he had made terms. As he appeared agitated, I observed that he had demanded the trial and must take the consequences. He then said no terms would satisfy him but his being restored to his leadership."

After some intermediate proceedings, which will be noticed in a moment, Mr. Rusling, on the 1st of July, 1829, writes a note to Mr. Shermer, in which he says, "I do hereby according to the discipline of the M. E. Church, pronounce you expelled from the aforesaid Church."

And here it may be well to notice an argument of the plaintiff's counsel, charging the committee and presiding elder with having boldly undertaken to denounce the plaintiff to eternal punishment. It is due to a respectable religious denomination, to these defendants, to the plaintiff himself, and to the cause of candor and truth, that we should scrupulously avoid suffering our judgments to be influenced by misconception or error on such a point as this. A fair statement of the matter exhibits it thus: The committee having declared Mr. Shermer guilty of *slander* and *falsehood*, the presiding elder gives his opinion that these are *crimes* "expressly forbidden by the word of God, and sufficient to exclude a person from the kingdom of grace and glory." The *expulsion* by the minister consequent thereon, deprives Mr. Shermer of "all *privileges of society or of sacraments*, in the Church, until after contrition, confession and proper trial." The legal effect is to deprive him of his rights as a corporator.

There was a suggestion on the part of the plaintiff that the conviction was under a wrong clause of the seventh section of the second chapter of the discipline; that the proceeding, if attempted at all, should have been under the provision relative to "indulging sinful tempers or words." This is denied on the other side. It would seem that a similar expulsion might have resulted to an individual obstinately persisting in offending even under this clause. You will determine here also, whether there was error or not; and if there was, how far it attached to the members of the committee, or any other of the defendants; and whether it was committed in good faith, or was wilfully and maliciously perpetrated to the actual damage of the plaintiff.

Now it is, clear, that if, so far, no cause of action exists, nothing that took place after this stage of the transaction could possibly create one. The subsequent proceedings consisted of an unsuccessful effort to have the decision of the committee, and the expulsion growing out of it, reversed; the very expulsion which forms the basis of the plaintiff's suit. If the conduct of the defendants up to this period was right, then there is an end of the case. If that conduct was wrong, and yet was without the ingredient of malice, still the plaintiff has no legal cause of action. If again that conduct was wrong, and there was malice in it, yet if the parties had *probable cause* for their proceedings, the plaintiff is not entitled to a verdict. Should you adopt either of these views of the case, you need hardly trouble yourselves with a further examination of the facts relative to the appeal to the quarterly conference. Should you however adopt neither of them, and believe that the plaintiff is entitled to your verdict, then the subsequent occurrences become important as furnishing matter either in mitigation or aggravation of the injury done to the plaintiff, and may seriously affect the question of damages.

Some attention is therefore due from the Court to this part of the case.

The doubt at first expressed as to Mr. Shermer's right of appeal to the conference, was waived on the part of Mr. Thatcher and Mr. Rusling.

It is alleged on the part of the defendants that Mr. Rusling refrained, for several days, from expelling Mr. Shermer, in the hope of an arrangement of the difficulty; and that it was not until the first of July, after a note had been received from the plaintiff's counsel, proposing a full hearing before another tribunal constituted according to the laws of the Church, that Mr. Rusling pronounced the expulsion, which was deemed necessary in order to give Mr. Shermer another trial before the only proper tribunal, namely, the quarterly conference. Of all this and its effect you will form your own opinion. The expulsion being declared however on the 1st of July, Mr. Shermer on the 3d of July "enters his appeal to the next quarterly conference."

The conference met. How is it constituted?

In the fifth section of the first chapter of the *Disci-*



*pline*, it is said, that a quarterly meeting conference *to receive and try appeals*, shall consist "of all the travelling and local preaches, exhorters, stewards, and leaders of the circuit, and none else."

Mr. Thatcher and three of the committee appear to have been members of this conference; several other defendants were also members.

You have heard the testimony of Messrs. Walton, Zeigler, James and others, relative to the proceedings of the conference; and you have before you the record kept by the Secretary. The decision of the committee was approved of and confirmed. You have had the benefit of a full discussion at the Bar as to the character and duty of this body, and can determine for yourselves upon every question which seems to me to be essential to be decided. Believing that on this part of the case there is no legal point requiring an opinion from me, it is submitted to you to say upon the principles already presented touching mere error of judgment, malice, and probable cause, whether the doings of the conference affect the plaintiff's case at all, and if they do, to what extent.

I have thus, gentlemen, noticed the *whole case*, as is presented by the pleadings. Various other matters, not embraced in the issue formed between the parties, have been given in evidence, and freely discussed, as bearing upon that issue or some branch of it. I will briefly notice some of these.

1. The topic of *Reform* has been adverted to. Though I refused to allow a general inquiry into it, yet I feared we should be obliged to hear incidentally more of it that has actually reached us through the evidence. I need only remark that we have nothing to do with it.

2. Much has been said relative to a statement made by Mr. Rusling, in December 1828, that his predecessor the Rev. Mr. Miller has not been *paid*.

Mr. Miller's allowance was to consist partly of *salary* and partly of *board*. In truth the salary was all paid, but the board was not all paid.

There was some testimony, though it was denied to be true, as to a complaint by Mr. Shermer, at the conference held within a day or two afterwards, that Mr. Rusling had made an incorrect statement on this point; and as to the matter being taken up and acted upon in the conference.

Again it appears that Mr. Walton accused Mr. Rusling of telling a lie on this subject; and that a committee, after trial, convicted Mr. Walton of having falsely accused Mr. Rusling of telling a lie.

Mr. Shermer being the present plaintiff and Mr. Walton his leading witness, it is alleged on the part of the defendants that the conduct of the plaintiff in this business of Mr. Miller, evinced a disposition to seize and distort every expression of Mr. Rusling which could by possibility be misconstrued; and that it therefore exhibits the plaintiff as entitled to no favour with this jury; and that as to Mr. Walton, his conduct manifested a similar disposition; and that this transaction presents, in the conviction to which he was subjected, a ground of resentment on his part against Mr. Rusling, which tends to disqualify him from speaking impartially as a witness in this case.

These positions have been commented on by the Counsel on both sides, and the effect of the whole is for your decision.

3. Then as to the sermon of the 8th of August 1830, in which Mr. Rusling used these words "vagabonds on the face of the earth,"

This was after the present suit was brought. Both Mr. Rusling and the plaintiff have agreed that the plaintiff was not alluded to. It is by no means clear, from the evidence, what was the exact language of Mr. Rusling in that sermon, or what was its application. But in connexion with it, a printed circular signed by J. Walton, J. Shermer and J. Biddle, was put in evidence on the part of the defendants, and it is alleged that it shows prejudice and animosity on the part of

those three witnesses, and thus affects their testimony.

Of the weight of all this you will judge.

4. One word as to the alleged refusal of the Books. The witnesses do not agree exactly as to what was refused to Mr. Shermer, or at what precise time his demand was made. It seems that he was not allowed to take with him the books of the church, but that copies of any parts he desired were offered to him. A member of a corporation like this has a legal right to inspect its books, but he cannot of his own authority take them from the custody of the person regularly entrusted with them. Mr. Shermer's object was to prove that Mr. Rusling was in error as to the statement of the 14th of April. The books have been produced here, and they plainly sustain Mr. Rusling when his language is fairly understood.

5. The plaintiff offered in evidence the declarations of George Thumler one of the defendants. I received them as evidence at least against himself. It seems, however, that he is the brother-in-law, and the avowed friend of the plaintiff, and that he was guilty of the indefensible and undefended act of going with other defendants to the office of their counsel, in the confidence of the relation of a co-defendant, and immediately communicating to the plaintiff what had taken place. It further appears that he made declarations for the expressed purpose of having them given in evidence to affect the other parties, while he avowed he would not come into Court and be a witness. He doubtless was aware that in Court he would be put upon his oath, and be subject to a cross-examination. I need hardly advise you that any thing proceeding from such a source, under such circumstances, should be wholly rejected. The plaintiff's counsel have very properly refrained from relying on his declarations.

6. This dispute with Mr. Burnett at the love feast, growing out of Mr. Shermer's attempt to enter without a ticket and without permission; the circumstance that on Shermer's own testimony the Grand Jury in the Quarter Sessions refused to find a bill against Burnett for assault and battery; the attempt of Mr. Shermer to vote at the election for trustees; his letter to Mr. Kirk in connection with his order to his child; his language to Mr. Fraley and to Mr. Samuel Miller, have, with other matters, been adverted to, to prove a spirit of bitterness and determined hostility on the part of Mr. Shermer towards Mr. Rusling and his friends, and to show that this suit is brought not for the purpose of obtaining justice, but with a view to harass and vex the defendants.

On the other hand, the acts and language of the defendants, on various occasions, particularly those of Mr. Rusling at the leader's meeting, before the committee, and before the conference, have been minutely noticed, as manifesting a settled purpose to remove Mr. Shermer from the station of class leader, and expel him from the Church, whether his conduct would warrant it or not.

Upon all these suggestions you have heard the able remarks of the counsel on both sides.

In reviewing the whole case, Gentlemen, an important and interesting duty devolves upon you. In relation to the credibility of the witnesses, I repeat that you are the exclusive judges. In the discharge of your obligation on this head, you will consider as to each witness, the degree of intelligence which he exhibited, his opportunities of knowledge, his temper, his manner, his consistency, and every actual or probable ground of bias or impartiality in regard to him. When you have done all this you can safely decide.

The question of *damages* is entirely for your decision. The plaintiff contends, that by reason of the acts of the defendants, he has suffered pain and distress of mind, has lost the good opinion of his friends and neighbours, has been deprived of his share of the real estate of the corporation, and has been put to great expense in the



prosecution of his claim. All this will be carefully weighed by you.

The plaintiff's counsel have carefully designated the several parts of the evidence which they deem to affect the defendants respectively. If you determine that the plaintiff is entitled to a verdict, you will consider whether it shall be against all or only some of the defendants, and will discriminate accordingly.

There is another point which it is my duty to notice, as it is controlled by the settled rules of law. This being an action for a *Tort*, the damages cannot be severed. If you deem the plaintiff entitled to damages, you will ascertain how much the most culpable of the defendants ought to pay, and assess that amount against all whom you may hold to be guilty. If you find that there is no cause for action, your verdict will be generally for the defendants.

VERDICT—For the defendants.

#### PHILADELPHIA COLLEGE OF PHYSICIANS.

##### *Its early opinions respecting Ardent Spirits.*

As part of the history of Temperance Reform, and serving to show the opinions held even at that time by many estimable and learned physicians, we publish the following extract from the minutes of the College of Physicians of Philadelphia, for which we are indebted to its present Secretary, Dr. Bond.—*Journal of Health.*

On the 4th of September, 1787, it was resolved by the College of Physicians that a committee be appointed, consisting of Doctors Jones, Rush and Griffiths, "to draw up a petition to the Assembly of this Commonwealth, [Pennsylvania,] setting forth the pernicious effects of Spirituous Liquors upon the human body, and praying that such a law may be passed as shall tend to diminish their consumption."

On the 6th of November, this committee made a report which was adopted, as follows, the following members being present:

Doctors John Redman, *President*; John Johns, William Shippen, Jr., Adam Kuhn, Benjamin Rush, Thomas Parke, George Glentworth, James Hutchinson, Benjamin Duffield, Nathan Dorsey, Samuel P. Griffiths, Benjamin Say, John Carson, William Currie, William W. Smith, John R. B. Rodgers.

"To the Honourable the Legislature of the State of Pennsylvania:

The Memorial of the College of Physicians of the city of Philadelphia, respectfully sheweth,—

That your memorialists have seen with great concern the numerous evils which have followed the intemperate use of distilled spirituous liquors in the State of Pennsylvania. They decline taking notice of the baneful effects of these liquors upon property and morals, and beg leave to confine this memorial to their influence upon the health and lives of their fellow citizens, and the population of their country.

That among the numerous diseases which are produced by the use of distilled spirituous liquors, they would only mention, the dropsy, epilepsy, palsy, apoplexy, melancholy, and madness; which too seldom yield to the power of medicine.

That where distilled spirituous liquors do not produce these terrible and obstinate diseases, they generally impair the strength of the body, so as to lessen its ability to undergo that labour, either in degree or duration, which it is capable of without them.

That the prevailing ideas of the necessity and advantages of using distilled spirituous liquors to obviate the injurious effects of extreme heat or cold upon the human body, are altogether without foundation, and that they increase the evils, which they are taken to remove. That the inconvenience arising from excessive labour,

heat or cold, are to be removed with much more safety and certainty by the use of cider or malt liquors.

Your memorialists, therefore, pray, that your Honourable House would take the facts herein stated, into their serious consideration, and as the guardians of the health and lives no less than of the liberties and morals of their constituents, that they would enact such a law, for the checking the improper use of distilled spirituous liquors, as to their wisdom and humanity may seem proper."

On the 7th of December, 1790, the college appointed a committee consisting of Doctors Jones, Rush, and Parke to draught an address to "be presented to the Senate and House of Representatives of the United States, praying them to take speedy and effectual means to discourage as much as possible the importation and use of distilled spirituous liquors." On the 27th of the same month the following Address was adopted and ordered to be presented.

"To the Senate and House of Representatives of the United States in Congress Assembled,

The Memorial of the College of Physicians of the city of Philadelphia respectfully sheweth,

That they have seen with great pleasure the operation of a national government, which has established order in the United States.

They rejoice to find amongst the powers, which belong to this government, that of restraining, by certain duties, the consumption of distilled spirits in our country. It belongs more peculiarly to men of other professions to enumerate the pernicious effects of these liquors upon morals and manners. Your memorialists will only remark, that a great proportion of the most obstinate, painful, and mortal disorders, which affect the human body, are produced by distilled spirits—that they are not only destructive to health and life, but that they impair the faculties of the mind, and thereby tend equally to dishonour our character as a nation, and to degrade our species as intelligent beings.

Your memorialists have no doubt, that the rumor of a plague, or any other pestilential disorder, which might sweep away thousands of their fellow citizens, would produce the most vigorous and effectual measures in our government to prevent or subdue it.

Your memorialists can see no just cause why the more certain and extensive ravages of distilled spirits upon human life should not be guarded against with corresponding vigilance and exertions by the present rulers of the United States.

Your memorialists beg leave to add further, that the *habitual* use of distilled spirits, in any case whatever, is wholly unnecessary—that they neither fortify the body against the morbid effects of heat or cold, nor render labour more easy, nor more productive—and that there are many articles of diet and drink, which are not only safe and perfectly salutary, but preferable to distilled spirits for each of the above purposes.

Your memorialists have beheld with regret the feeble influence of reason and religion in restraining the evils, which they have enumerated. They centre their hopes, therefore, of an effectual remedy for them in the wisdom and power of the United States; and in behalf of the interests of humanity, to which their profession is closely allied, they thus publicly intreat the Congress, by their obligations to protect the lives of their constituents, and by their regard to the character of our nation, and to the rank of our species in the scale of beings, to impose such heavy duties upon all distilled spirits as shall be effectual to restrain their intemperate use in our country."

Members present at the adoption of this address:—

Doctors John Redman, *President*, John Jones, *Vice President*, Robert Harris, Nicholas B. Waters, Thomas Parke, William Currie, Benjamin S. Barton, Nathan Dorsey, Benjamin Rush, Michael Leib, William W. Smith, Adam Kuhn, Samuel P. Griffiths, *Secretaries*.



From the Philadelphia Gazette.

# PROCEEDINGS OF COUNCILS.

Thursday evening, May 23, 1833.

**SELECT COUNCIL.**—The annexed communication from the Treasurer of the Girard fund, was received, and referred to the committee of accounts to audit.

To the President and Members of the Select and Common Councils.

*Treasurer's office of the Girard Trust, }  
May 23d, 1833. }*

Gentlemen,—By the 16th section of the Ordinance for the management of the Girard Estates, enacted on the 31st January, 1833, it is ordained "That a Standing Committee of Accounts consisting of three members of each Council, shall be chosen annually by ballot, of each Council, at a stated meeting of Councils in October, who shall examine quarterly or oftener, if they shall deem it necessary, the Treasurer's accounts, comparing the actual receipts and expenditures with the Entries and Exhibits thereof, &c. and report the same to Councils."

This ordinance having been passed in January last, no regular election will take place for the Standing Committee of accounts until October next, I therefore beg leave to request that Councils will appoint a Special Committee to audit my accounts for the last quarter, ending on the 31st of March, and for the two succeeding quarters.

With much respect, your very ob't. servant.

**BRITAIN COOPER,**  
Treasurer.

Mr. McCredy, presented the following petition, which was referred to the Committee on Rittenhouse Square.

To the Select and Common Councils of the city of Philadelphia.

The memorial of the subscribers respectfully represents, That they are the owners and occupiers of property situated near the south west (or Rittenhouse) Square. The said Square has for many years been a place of deposit for the manure collected in the streets of the city. This manure is composed of the garbage and vegetable offal of the city, which when collected in heaps and exposed to the action of the warm rains and the sun's rays in summer, emits a most offensive, and as your memorialists believe, a very noxious effluvia, which operates on the health of the surrounding inhabitants greatly to their prejudice. As evidence of the truth of this remark, we state as a fact that no spot in or around the city has suffered more severely by fall and bilious fevers than the neighbourhood of this square: thus converting what was intended by the philanthropic founder of our city as the means of health and recreation, into a nursery of disease and death to the surrounding inhabitants. Moreover, the public school of over one hundred children, the improvements now in progress in the neighbourhood of the square as, well as those in contemplation so soon as they can be made in safety, and a hope of their being soon occupied, all call loudly for a change of deposit for the filth which has so long annoyed the surrounding poor industrious inhabitants. Your memorialists believe that a place might be procured at a trifling expense south of the city and quite as convenient, where the manure might be disposed of with equal advantage to the city.

For the foregoing reasons and many others which might be advanced, your memorialists request that another place of deposit for the said manure may be procured, and that Rittenhouse Square may be levelled and converted to the uses for which it was originally intended.

Mr. J. P. Wetherill as Chairman of the Watering Committee, offered the annexed report and resolution, which were adopted.

To the President and Members of the Select and Common Councils.

Gentlemen—The Watering Committee respectfully report, that since submitting their annual statements to Councils, they have received petitions to have iron pipes laid down in various parts of the city—the petitioners agreeing to take out permits for the water, as soon as pipes shall be furnished, and will pay a rent equal to the interest; and they further remark, the improvements of the petitioners, protection in case of fire, and the general comfort and convenience of the citizens, would seem to require a compliance with their desires. They have also been requested by the Commissioners of the district of Spring Garden, forthwith, to pave and curb Coates street from Fair Mount to the river Schuylkill. The committee submit the annexed resolution, authorizing contracts to be made for pipes, &c. and for the payment of the same.

Very respectfully,

**JOHN P. WETHERILL,**  
Chairman of the Watering Committee.

Resolved, That the Watering Committee be, and they are hereby authorised and requested forthwith, to contract for Iron Pipes, and for the paving and curbing of Coates street, in front of the city property, at Fair Mount, together, not to exceed in amount the sum of Fifteen Thousand dollars, and the Mayor is hereby authorised to draw his warrant on the City Treasurer, for the above amount, and charge the same to appropriation No. 16.

Mr. Massey, presented the following petition of Hazell Thomas, which was referred to the Commissioners of the Girard estate.

To the President and Members of the Select and Common Councils of the City of Philadelphia.

The memorial of the subscriber, respectfully sheweth, That Richard Sparks, by his will dated 14th January, 1715—6, devised "100 feet of the back end of (his) lot on the south side of High street, in Philadelphia, for a burying place for the use of the people or society called the Seventh-day Baptists." The lot thus devised is that which fronts on Fifth street between Market and Chesnut, immediately north of a house formerly the property of Mr. Girard, and now under his will belonging to the City of Philadelphia. The devise above recited went into effect: and burials took place in that ground. The Society referred to were incorporated by the Legislature of Pennsylvania, in 1787, with power to take all lands therefore devised to their use. An ejectment was brought by the Society in the Supreme Court in the year 1803, (or thereabouts) against James Simmons who then owned the house above referred to, and under whose title has been devised to Mr. Girard. In this ejectment a verdict and judgment passed for the plaintiff: and Mr. Simmons subsequently occupied the lot permissively and as the agent of the society. Mr. Girard in his lifetime under some claim not understood by your memorialist, enclosed great part of this lot with a solid brick wall. The north end of it was then occupied, under the society, by a house or engine company—who subsequently removed their building. Mr. Girard then took in that portion also, and enclosed it in like manner—and the Society are thus excluded.

Your memorialist now holds the legal title by a deed from the Society, and for the purpose of the original devise, and conceives the possession taken by Mr. Girard to be illegal. It is his duty to assert the rights of the Society: but believing that the City of Philadelphia will not persevere in the assertion of a wrong, (if they can be satisfied that it is so) respectfully invites the attention of the Councils to the subject of this memorial: prays them to cause their title to be investigated, and asks of them a surrender of the possession—or their con-



currence in an effort to obtain an early legal adjudication of the right.

All of which is respectfully submitted, by  
HAZAL THOMAS.

Mr. Lippincott, called up for consideration a resolution of the Common Council, relative to the reorganization of the City Police, which was concurred in, and Messrs. Lippincott, Neff and Eyre, were appointed the committee.

COMMON COUNCIL.—Mr. Chandler offered a resolution relative to the appointing of referees for settling the affairs of the Bank of the late Stephen Girard, which was adopted by the Common Council, but was referred to the committee of the whole in the Select Council.

Mr. Gilder offered the following resolution, which was adopted.

Resolved, That at their first stated meeting in June next, Councils will elect a Superintendent of the building of the Girard College for Orphans.

Mr. Lapsley called up for consideration the report and resolution of the committee on Markets, relating to a western market house, made the 8th of April last; and Mr. Merrick moved to postpone the resolution for the purpose of offering the following as a substitute, which was agreed to.

Resolved, That the Committee on Markets be instructed to inquire and report on the expediency of purchasing a lot of ground suitable for a western market.

Mr. Huston offered the annexed resolution.

Resolved, That a committee of three members from each Council be appointed, to make arrangements for a proper expression of respect by the city authorities to the President of the United States, on his arrival in Philadelphia—and tender to him the Hall of Independence, in which to receive his fellow citizens who may be desirous of waiting upon him during his continuance in this city:

When Mr. Joseph B. Smith moved to postpone the resolution until next October, which was lost; the resolution was adopted—and Messrs. Houston, R. Toland, Merrick, Worrell, Neff and Lippincott, were appointed the committee.

#### PAXTON BOYS. \*

We are indebted to a correspondent for the following letter, which he says, he found "among some old family papers, and was written by one of his ancestors." It contains an amusing account of the excited feelings of our citizens, in consequence of the serious affair, to which it alludes, and shows how readily, under such circumstances, a whole community can be alarmed even by imaginary danger.

Many families are no doubt in possession of correspondence which details numerous incidents and facts, recorded in this familiar manner, at the time, and under the feelings of the moment, which, though they are not always to be relied upon, as furnishing the best evidence in all cases, are still the truest criterion of the belief, by which the conduct at the time is influenced. It is therefore desirable to possess as much of this kind of testimony as possible, as it is generally entertaining, and often throws light upon facts, which would otherwise appear inexplicable—we would therefore repeat the request frequently made, to be furnished with documents of this nature for the Register, which is, perhaps, the most appropriate depository for them, that can be adopted.

\* See Vol. VI. pp. 297, 358. VII. p. 255 and IX pp. 114, 144.

PHILADELPHIA, February 29th, 1764.

*Old Friend*,—When I last wrote, I did not intend to take up the pen again till I should hear from thee, but an event has happened of so extraordinary a nature, and which at present makes so great a noise here, that I thought a particular relation of it, might not be unacceptable. I am convinced you will have various accounts concerning the matter, some favourable to one side, and some to the other; therefore, I shall endeavour, as far as lies in my power, to give as exact a representation of the whole affair, as possible.

In my last, I informed thee, that a number of Indians had been brought down from the Moravian settlement upon our frontier, and placed by the Government upon the Province Island, where they were to remain till a peace could be effected with those Indians that were then at war with us, or till such time as we were able to subdue them; it is true some persons belonging to this tribe were suspected of being concerned in the murder of the inhabitants, but as no sufficient proof appeared, and as some of them were known to be well affected, and had done us confidential services, it was judged not only just, but likewise consistent with the maxims of prudence and good policy, to invite them down, and take them under our protection; especially as they had requested it, and voluntarily offered to deliver up their arms, as a security for their good behaviour, and a testimony of their having no ill intentions against us.

Besides this tribe, there was another, consisting of about twenty persons, men, women and children, who have lived for many years upon a small tract of land granted to them by the proprietors, in the manor of Conestogo. These poor natives, from their peaceable and quiet behaviour, (having never been concerned in any hostilities against us) were looked upon by the legislature as proper objects of their regard, and were accordingly taken under their protection as well as the others; but with this difference, that they were suffered to remain in their own habitations, where, as they were not allowed the liberty of hunting, they spent their time in making of baskets and brooms, which they sold to the white people for a subsistence.

Whilst these precautions were taking here, in order to prevent the innocent from falling with the guilty, Sir William Johnson was employed on the frontiers of New York, in conciliating the affections of the six nations, who for some unknown cause, appeared to be wavering with respect to the part they should act on the present occasion. It seems by the accounts we have received, that Sir William's negotiation was likely to be attended with all the success that could be wished, five of the confederated tribes seemed sincerely desirous of renewing their ancient friendship and part of the Senecas (the only tribe actually in arms) had been brought over by showing them how inconsistent their conduct was with the dictates of good policy, as the English were now possessed of almost all North America; these, together with others of different nations, engaged to persuade or compel the remaining part to sue for peace. Indeed Indian affairs in general wore a favourable aspect; our back settlements had not been disturbed, nor



had any murders been committed from the month of October; all was calm and quiet, and the conversation of the people in general, began to turn upon other subjects—but in the month of January, part of the inhabitants of Paxton township, together with others from the west side of Susquehanna, who had lost, or pretended to have lost, some of their friends and relations by the Indians, took it into their heads (as they had been out upon several scouts, in which they had destroyed some wigwams, and a few acres of Indian corn without killing any enemies,) that they would attack the Indians upon the manor of Conestogo; accordingly one morning about day break, they came upon this village, and with the most savage fury, destroyed every person in it. Luckily the greatest part of them happened to be abroad, and so soon as they heard of it, flew to the town of Lancaster, where they were received in the most friendly manner, consoled for their losses, and in order to secure them against any further danger, put into the work house. This being done, the Sheriff and several others were sent out to bury the dead, who, when they arrived at the place, found the bodies most shockingly mangled, and the houses burnt to the ground. The heroes who had performed this exploit immediately dispersed themselves; part of them were met by Tommy Wright, who suspecting what they had been about, told them he had supposed they had just returned from killing the Indians upon the manor! They replied, what if they had? Why, says he, if you have, you have done a very base action, for they were under the protection of the government. No government, answered they, has a right to protect heathen. Joshua was ordered to drive the heathen out of the land. Do you believe the scripture? if you do not, we have nothing to say to you, and so left him. I mention this short conversation to give thee an idea of the principles of those who were engaged in this holy war, and who were determined to fulfil the command given to Joshua with the most scrupulous exactness.

Scarce had they time to give thanks for this signal victory, but down they came again in a considerable body, part of them, supposed to be about fifty, entered the town of Lancaster, well armed, rode up to Slough's tavern, turned their horses into the yard, asked where the Indians were, ran to the work house, demanded the keys of the keeper with threats, opened the door, and almost in an instant, shot and tomahawked every one of them. Neither the mother nor the tender infant that hung at the breast, was spared, though on her knees she begged for mercy, all where alike the objects of their ruthless vengeance, which being satisfied for the present, they returned to their horses and rode off.

Whether this butchery could have been prevented, I cannot take upon myself to determine. There was at the time a company of Highlanders in the town, and it is said, the officer who commanded them put himself in the way of the magistrates, in expectation of receiving orders for that purpose. On the other hand, they say, it was but twelve minutes from the time the Paxtoners entered the town, till all was over, in which case, considering the general consternation, it seemed too late to

make any opposition. Expresses, however, were dispatched to this city, informing us of what had happened, and at the same time, letting us know that a large body of them intended to come down and destroy the Indians upon the Island. Many of the inhabitants were greatly alarmed at this intelligence, and orders were given to provide a number of flats to be ready at the Island, to carry off the Indians into the Jerseys, in case any attempt of that sort should be made. A correspondence was also settled with several persons of note, in different parts of the province, who engaged to give the speediest notice of the motions of these "children of Promise or Saints Militant." In the mean time the Highlanders being arrived here on their way to New York, in order to embark for their native country, it was thought proper, in order to quiet the minds of the people, and to prevent the government from being insulted to send the Indians under their care to that city, from whence they were to proceed to Sir William Johnson, to be disposed of as he should judge most for the interest of the Colonies. But, as the wisest men, and the greatest politicians, are sometimes liable to mistakes, it so happened, that no request was made to the Governor of York to grant them a passage through his territories. Accordingly, when they came to Elizabethtown or Amboy, they received his orders to proceed no further, for that he would not receive them. Their directors were now at a loss what to do, to send them forward they could not, to bring them back was dangerous—in this state of suspense they remained not long, for General Gage interposed in their behalf, and ordered Captain Schlosser with upwards of a hundred Royal Americans to conduct the Indians back to Philadelphia, and guard them till the spring. The Captain accordingly brought them back again, and lodged them in the barracks, that they might be more immediately under the care of the soldiery, and more readily assisted than they could possibly be if they were sent down to the Island.

Whilst they were upon their march through the Jerseys, faction and clamour seemed to subside, but no sooner was it known that they were returned, than the spirit of discord began to operate afresh. At first, only a little murmuring was heard, then they began to threaten, so that it became dangerous for a person in any of the back counties to speak his mind with freedom. Nay, so far did they proceed, that letters to and from this city to Lancaster, were obliged to be sent (it is said) unsubscribed, for a practice was made of opening them, and communicating their contents to the disaffected. At last, on the fourth of this month, we received certain intelligence that a considerable body of them were coming down with arms to destroy every Indian they could meet with. The Governor immediately upon this, ordered the Sheriff and his officers to summon the inhabitants to meet in the afternoon at the State House. A vast concourse accordingly assembled, when it was proposed that they should enter into an association to defend the government, for it was imagined that killing the Indians, was not the only motive of this hostile insurrection. Several persons entered their names directly, and notwithstanding it rained heavily,

went and equipped themselves with the implements of war, and marched up to the barracks, where they continued under arms with the soldiers all night. Our old friend, the Parson, and a few more belonging to the same peaceable society, were of the number. The Governor was also there with several other gentlemen.

In the morning the weather proving fair, (though very cold) a number of carpenters were hired, who, by Captain Schlosser's direction, built a redoubt, in the centre of the parade, at the barracks, and fortified the gateways with angles of thick plank, which had spaces left between for the soldiers to fire through. Several pieces of cannon were likewise hauled up and the best preparations were made that the time would admit of.

Notwithstanding these warlike measures, the government was still unwilling to proceed to extremity. They thought it best to try the milder methods of persuasion first, and therefore sent the Reverend G—t T—t with two or three more pious divines of the same order, to convince them if possible, by the force of reason and argument, or by the apposition of texts of scripture, that they were in error, and to prevail upon them to return home. Perhaps some people may be inclined to censure this step, when they consider that a proclamation had been published, offering a reward of two hundred pounds for apprehending any of the parties concerned in the murder of the Indians at Lancaster, and that the riot act had been extended to this province a few days before.

The day passing over, and no enemy appearing, nor any intelligence of their motions, we began to hope that the rumor was without foundation. For my own part I went to bed as free from any apprehensions of danger as ever I did in my life, and slept very soundly till after midnight, when all of a sudden I was alarmed by the ringing of the bells. I listened to know the cause, (being loath to get out of bed as I had a bad cold) expecting it was fire, but no cry, no rattling of engines was to be heard; I then laid myself down with a resolution to go to sleep again, when one of the neighbours thundered at the door, and called to us to put out the lights for the Paxton Boys were coming. Up I jumped immediately, whipped on my clothes, and ran to the door, which I had no sooner opened, than I heard the old militia drums with solemn dubb beating to arms, and saw the inhabitants running from all quarters to obey the summons. By sunrise they had got themselves officers, and brought forth those ensigns which were once displayed with such terror in the glorious battle of the New Market. The remains of the old artillery company were likewise mustered, and two pieces of cannon brought out of the magazine and stationed before the court house. All business was now suspended, the shops and stores were close shut, and every person seemed anxious to know what would be the issue of all this tumult.

Before I proceed further it may not be amiss to inform thee that a great number of the inhabitants here approved of killing the Indians, and declared that they would not offer to oppose the Paxtoneers, unless they attacked the citizens, that is to say, themselves—for, if

any judgment was to be formed from countenances and behaviour, those who depended upon them for defence and protection, would have found their confidence shockingly misplaced.

The number of persons in arms that morning was about six hundred, and as it was expected the insurgents would attempt to cross at the middle or upper ferry, orders were sent to bring the boats to this side, and to take away the ropes. Couriers were now seen continually coming in, their horses all of a foam, and people running with the greatest eagerness to ask them where the enemy were, and what were their numbers. The answers to these questions were various, sometimes they were at a distance, then near at hand—sometimes they were a thousand strong, then five hundred, then fifteen hundred; in short, all was doubt and uncertainty.

About eleven o'clock it was recollected the boat at the Sweed's ford was not secured, which, in the present case, was of the utmost consequence; for, as there was a considerable freshet in the Schuylkill, the securing that boat would oblige them to march some distance up the river, and thereby retard the execution of their scheme at least a day or two longer. Several persons therefore set off immediately to get it performed; but they had not been gone long, before there was a general uproar—they are coming! they are coming! Where? Where? down Second street! down Second street! Such of the company as had grounded their fire-locks, flew to arms, and began to prime; the artillery-men threw themselves into order, and the people ran to get out of the way, for a troop of armed men, on horseback, appeared in reality coming down the street, and one of the artillery-men was just going to apply the fatal match, when a person, perceiving the mistake, clapped his hat upon the touch hole of the piece he was going to fire. Dreadful would have been the consequence, had the cannon discharged; for the men that appeared, proved to be a company of German butchers and porters, under the command of Captain Hoffman. They had just collected themselves, and being unsuspecting of danger, had neglected to give notice of their coming;—a false alarm was now called out, and all became quiet again in a few minutes.

In the afternoon we received intelligence that those who were sent to the Sweed's ford, arrived too late, for the Paxtoneers had actually crossed the river, and were got as far as Germantown; where they proposed to take up their quarters for the night. Several persons went from town to view them, and from the best accounts that could be obtained, their numbers did not exceed two hundred; but they pretended that the whole were not come in. This formidable body of forces consisted principally of a set of fellows, dressed in blanket coats and mocassins, like our Indian traders, or back-country wagoners: they were armed with rifles and tomahawks, and some of them had a brace of pistols besides. Few of them were men of any property, but had been hired or persuaded to the undertaking, by persons, whose views and designs may, perhaps, in time, be disclosed, although at present we can only guess at them.



Their chiefs were almost as obscure as themselves, but on this occasion, assumed an air of command and importance, (one of them was called Smith, another Gibson, the third I have forgot.) They behaved with great civility to those they conversed with—were surprised to hear that the citizens had taken up arms to oppose them—declared that they had no intention of injuring any one, and only wanted satisfaction of the Indians, as some of them had been concerned in the murder of their friends and relations. All this was very well, with respect to us, but it is much to be doubted, if they would have carried their complaisance so far, had not preparations been made to receive them.

Night now coming on, the inhabitants were dismissed, but ordered to hold themselves in readiness on the first notice;—at break of day the alarm bells rang again and all got under arms.

I should have mentioned that when it was known they were at Germantown, it was proposed in Council to go and take them prisoners, but that advice was overruled. Though Captain Torbet Francis, of the 44th Regiment, (who, at the request of a number of young persons, had undertaken to command them) voluntarily offered to make the attempt; but as it was reported they were excellent marksmen, and as a great deal of blood might probably be spilt upon the occasion, it was resolved to send a body of select patricians to inquire into the object of their coming, and to persuade them to return home; they accordingly set out early in the morning, some of them with great reluctance, as it was a measure they by no means approved of.

The weather being now very wet, Capt Francis, Capt. Wood and Capt. Mifflin, drew up their men under the market house, which, not affording shelter for any more, they occupied Friends' meeting house, and Capt. Joseph Wharton marched his company up stairs, into the monthly meeting room, as I have been told—the rest were stationed below. It happened to be the day appointed for holding of Youths' Meeting, but never did the Quaker youth assemble in such a military manner—never was the sound of the drum heard before within those walls, nor ever till now was the Banner of War displayed in that rostrum from whence the art has been so zealously declaimed against. Strange reverse of times, James—. Nothing of any consequence passed, during the remainder of the day, except that Captain Coultas came into town at the head of a troop, which he had just raised in his own neighborhood. The Captain was one of those who had been marked out as victims by these devout conquerors; and word was sent to him from Lancaster to make his peace with Heaven, for that he had but about ten days to live.

In the evening our Negotiators came in from Germantown. They had conferred with the Chiefs of this illustrious—and have prevailed with them to suspend all hostility till such time as they should receive an answer to their petition or manifesto, which had been sent down the day before. This paper was supposed to have been drawn up for them in Philadelphia, in order to colour over their proceedings, and give them an appearance of rectitude; it contained an account of the distressed

condition of the back inhabitants, and demanded a release from taxes for a twelvemonth—also, that five or six of the Indians should be brought to trial as murderers, and that the number of representatives for the frontier counties should be increased. As it was necessary that these requisitions should be laid before the Governor and Assembly, the Chiefs agreed to disband their troops and come to town with the Envoys, to enforce them, being promised protection on the faith of the Government.

The weather now clearing, the City forces drew up near the Court House, where a speech was made to them, informing them that matters had been misrepresented,—that the Paxtoneers were a set of very worthy men (or something to that purpose) who laboured under great distress,—that Messrs. Smith &c. were come (by their own authority) as representatives, from several counties, to lay their complaints before the Legislature, and that the reason for their arming themselves was for fear of being molested or abused. By whom? Why, by the peaceable citizens of Philadelphia! Ha! ha! ha! Who can help laughing? The harangue concluded with thanks for the trouble and expense they had been at, (about nothing) and each retired to their several homes. The next day, when all was quiet, and no body dreamed of any further disturbance, we were alarmed again. The report now was, that the Paxtoneers had broke the Treaty, and were just entering the city. It is incredible to think with what alacrity the people flew to arms; in one quarter of an hour near a thousand of them were assembled, with a determination to bring the affair to a conclusion immediately, and not to suffer themselves to be harassed as they had been several days past. If the whole body of the enemy had come in, as was expected, the engagement would have been a bloody one, for the citizens were exasperated almost to madness; but happily those that appeared did not exceed thirty, (the rest having gone homewards) and as they behaved with decency they were suffered to pass without opposition. Thus the storm blew over and the inhabitants dispersed themselves.

The following day the Indians were shown to one of the men, who pretended to know the murderers, but he was unable to single them out, and declared he never remembered to have seen any of their faces before, except one old squaw; this being told to his comrades they were satisfied, and, leaving their leaders behind them to settle the other points, they marched off.

It was now hoped that all was over, but it seemed as if the very devil himself had got loose amongst us, for a boy appeared before Plumstead, and swore that himself and another boy were hired one night by some persons, with flat hats, to row four or five Indians to the Island; as soon as this was known, (which was not immediately) some people began to say, aye, there was no danger in shewing the Indians to the Paxtoneers, after they had removed the guilty out of the way. This was a vile reflection, and bore hard both upon the Quakers and the officers who commanded at the barracks. These latter were highly incensed to think that their



characters should be at the mercy of a mean boy,—and the former thought it equally cruel that the reputation of a whole society should have so slight a dependance. Application was therefore made, that the boy might be produced, and a promise was made, that he should be seen the next day at the Mayor's; but the boy disappeared, and has not been heard of since. They now say, that the Quakers have sent the boy away, to prevent a discovery of their conduct. Indeed, every thing was said that the most rancorous malice can suggest, to blacken that society. It is really amusing, to think how far our animosities are carried; persons who were intimate, now scarcely speak—or if they happen to meet and converse, presently get to quarrelling. In short, harmony and love seem to be banished from amongst us.

The Paxton Chiefs are gone home without being heard, and we are daily threatened with a return of a more formidable force. Most people are now convinced of the utility of a military force, to secure our lives and property: and the Assembly have passed a law for that purpose, which now lies before the Governor. Whether he will give his assent to it or not is doubtful, for the Assembly have vested the power of choosing officers in the people—a point which, I am confident, they will never give up so long as we remain under a Proprietary Government.

I remain thy sincere friend, &c.

PHILADELPHIA, June 13th, 1833.

Proceedings of a meeting held for the purpose of forming an Association for Discouraging the use of Tobacco.

In accordance with a notice which was inserted in several of the daily papers, that a meeting for the purpose of forming a Young men's Association for discountenancing the use of Tobacco, was about to be convened, a meeting was held on Tuesday, June 4th, at 8 P. M. in the Lecture Room of the Fifth Presbyterian Church, when C. J. PETERSON was called to the chair, and Z. H. MASON appointed Secretary.

Mr. J. P. Thompson then read some extracts concerning the use of Tobacco, from the New York Evangelist, Journal of Humanity, &c. On his motion, it was resolved, that a committee be appointed, retire and draft a Constitution. The committee was appointed by the chair, and consisted of J. P. Thompson and G. R. Graham. The following is their report with amendments by the meeting.

#### PREAMBLE.

Regarding the use of Tobacco as a physical evil, inasmuch as it affects the frame with a deleterious influence, stupifies the senses, dims intellectual perception, and in many cases leads to an inordinate indulgence in intoxicating liquors. We, the undersigned, do form ourselves into an Association for discountenancing the use of this noxious weed, and for our government, do adopt the following

#### CONSTITUTION.

This association shall be called the Young Men's Association of Philadelphia for Discouraging the use of Tobacco. It shall consist of those persons between the ages of 12 and 30, who shall subscribe to this Constitution, and it shall be supported by voluntary contributions.

Art. 2d. The officers of this Association shall be a

President, two Vice Presidents, Recording and Corresponding Secretaries, a Treasurer, and twelve managers, who together shall constitute a Board of Managers. They shall have the power to make their own by-laws.

Art. 3d. This Association shall meet quarterly on the fourth Thursday evenings of March, June, September, and December; the meeting in March shall be the annual one. Ten members shall constitute a quorum. Special meetings may be called by the President, at the written request of 10 members.

Art. 4th. The following shall be the pledge of this Association.

#### PLEDGE.

We whose names are hereunto annexed, believing that the use of Tobacco in any form is not only unnecessary, but also hurtful to the constitution of man, do pledge ourselves, henceforth and forever, to abstain from, as far as in us lies, disclaim and discountenance its use, excepting for medicinal purposes.

Art. 5th. This Constitution shall not be altered, except with the concurrence of two-thirds of the members present at the quarterly meeting in December, or at a meeting called for that purpose.

On motion, it was resolved, that S. D. Hastings and Z. H. Mason, be appointed a committee to take the names of those persons present wishing to unite themselves with the association. The committee reported 18 names. On motion, the meeting adjourned to meet at the call of the chair. After the assembly had dispersed, a meeting of the association was called, at which it was resolved that the part of the first article relative to ages, be altered to read thus, between the ages of 12 and 25, &c. The number of managers (art. 2d.) was changed to six beside the officers. On motion, the meeting proceeded to an election of officers for the ensuing year. Whereupon the following were unanimously elected, "viva voce."

Chas. J. Peterson, President.

Jos. P. Thompson, 1st. Vice President.

Samuel D. Hastings, 2d. do.

Zelotes H. Mason, Rec. Sec'y.

J. Pope, Cor. Sec'y.

Geo. R. Graham, Treasurer.

#### Managers.

Samuel D. Wyeth,

Thos. Elmes, Jr.

George Neff,

Wm. Brantly, Jr.

George Ayres,

Alex. Ramsay.

On motion, the meeting adjourned to meet at the call of the President.

Published by order of the Board.

C. J. PETERSON, President.

Z. H. MASON, Secretary.

#### ROUND TOP.

MARIETTA, JUNE 20, 1833.

One of the most delightful excursions we have ever made was enjoyed by us, on Friday of last week. Our readers who reside contiguous to this neighborhood, need not be told of the beautiful elevation well known as "Round Top." Towering far above the adjacent hills, she seems like a watch tower for the defence of the lovely scenes that she looks upon. She presents no peculiar beauty to the eye, when viewed from a distance, but, placed on her summit, we at once acknowledge her the Chimborazo of our district.

Nothing was wanting to make our party most agreeable. A gentle western breeze fanned away the too gentle warmth of a June sun, our boat glided cheerily over the water, and our ascent to the summit was rendered the reverse of toilsome by the presence of our fair companions. But even had our jaunt been irksome in the extreme, how richly would all toil and fatigue have been repaid by the splendid scenery which burst upon our view. For miles around us, the country lay in all the loveliness that characterizes "THE GARDEN OF AMERICA." The waving grain, the green pastures,



the regular and shady woods, "the cattle on a thousand hills," and the frequent farm house of the thrifty husbandman, all combined to fix upon the mind a forcible and pleasing impression of prosperity and contentment. The Susquehanna swelling with her hundred tributaries, wound placidly through the regions that she blessed, and, passing far below our feet, went "in progressive majesty" towards the noble Chesapeake. The fragrant islands that repose on her bosom, and the thick shades that skirt her shores, seemed fitting retreats for the Naiads of antiquity. Indeed as we viewed the many shades of sylvan beauty that lay before us, we almost expected to see some fair Dryad or uncouth Satyr start from out the foliage.

From the height on which we stood, Marietta presented, below us, all the illusions of a Panorama. The crowded wharves, and the activity of busy men, pleased the eye, whilst it furnished convincing proof of the large amount of business transacted on our shores, and in our town. Princely possessions of various kinds of merchandise were resting on the water, and told of the inexhaustible wealth that stores the interior.

The Canal added not a little to the beauty of the landscape, and associated in the mind, ideas of commercial importance with quiet beauty. Each one of our company professed himself delighted with the excursion, and those, who beheld it for the first time, were enraptured with the passing loveliness of the view.

Lancaster county is proverbial for the skilful exactitude of her agriculture, for the fertility of her soil, and for the pastoral beauty of her landscapes. And however highly wrought may be the expectations of any one in reference to their features, we think they will be fully realized by a visit to Round Top, whence one of the most delightful sections of the country will greet his vision.—*Advocate*.

#### GREAT FRESHET.

The heavy rain with which we were visited on Thursday night last, (19th) and Friday morning until about twelve o'clock, has caused a greater rise in the Wissahiccon and other creeks in this neighborhood, than any other within the recollection of our oldest residents. It is not remembered that the Wissahiccon has ever before been as high within between three and four feet; and the destruction of property along its banks, has consequently been very great. But we are pained to be called upon to announce, that a valuable and respectable citizen of this township,—*ANTHONY J. THOMAS, Esq.*—has by some fortuitous means, met with a watery grave.

Several other persons, we understand, were also very nearly meeting a watery grave; and were rescued only by the great and most hazardous exertions of their friends.

Large quantities of hay and grass floated down, together with logs, planks, trees of large size, and also a cider-press. Many gardens, fields of wheat, rye, corn, &c. bordering on the stream, were either covered with sand and brush-wood, or entirely washed away; and the general havoc along its banks, in many places, is without a parallel.

The large stone bridge at Robinson's mills, on the Ridge Road, is partly destroyed—the south-east end being swept away—leaving the arches, &c. uninjured, but completely destroying the passage. The board of managers, with praiseworthy alacrity, immediately employed hands to effect a passage; and we are informed that the travelling is again uninterrupted.—The two large dams of Mr. Robinson, have also been demolished—and of one of them scarcely any remains are observable. The water in the mill, rose to two feet on the second floor, and destroyed about four hundred bushels of feed. This, however, is not so severe a loss to the enterprising proprietors, Messrs. *Lee & Co.*, who extensively pursue

the milling business, as the delay which will necessarily be occasioned, until the dams are again erected. Measures for which, we understand, will be immediately taken.

With the exception of the piers, the large bridge over the Wissahiccon, at formerly Paul's now Jones' mills, on the Germantown Turnpike, has also been wholly destroyed; but a passage has fortunately been effected, by fording the stream on the lower side of the bridge. This bridge was rebuilt only two years since, and we hear that it will again be rendered passable with all possible despatch.

We also hear, that two bridges in the vicinity of Wise's mills, were likewise floated down, as well as about fifty cords of cord-wood, belonging to Mr. Wise, besides various other articles.

The freshet in the *Schuylkill*, was scarcely less furious and destructive: and it is said the rise was greater than was known for many years. Several houses were inundated at the Falls, and articles of various descriptions—such as tables, chairs, benches, tubs, &c. were carried off. A barn, it is stated, swept down from the neighboring hills, was left standing high and dry, in the middle of the turnpike road, between the Falls and Manayunk. The dam across the Schuylkill, in Plymouth township, together with the canal and locks at that place, have been injured to such a degree as to close the navigation for some time. The toll-house at the locks, was wholly carried down the stream, but again brought to shore, by great exertions, at Spring Mill.

*Plymouth Creek*, we are likewise informed, rose to an unprecedented height, and destroyed considerable property in its course—including about fifty tons of hay—besides roughly handling the bridge on Ridge Road, at Mr. Brant's Inn, but not in such a degree as to obstruct the usual travelling.—*Germantown Telegraph*.

During the late freshet in the Schuylkill, a frame building belonging to Samuel Sharpless, near the bridge on the turnpike in the lower section of the borough of Norristown, floated against the bridge, and the larger portion of it was almost instantly swept through the arch and floated in fragments down the stream. A number of persons thought that by tearing the remaining portion of the building to pieces as fast as possible, thereby making a free passage for the water, the bridge might be saved, as a small part of it only had given way, and were actively engaged to effect that purpose, when the remaining portion of the bridge fell, and a respectable citizen, who was on the bridge at the time, was precipitated into the current, and immediately disappeared amidst the stones and earth which closed upon him. He shortly made his appearance a few yards below, having clung to a portion of the building, and was carried rapidly down the stream into the Schuylkill, where he was fortunately rescued by one of the citizens. He was nearly exhausted, and severely bruised by the falling stones at the bridge.

Mr. Jacob Freedly, on Stony Creek, lost property to the amount of \$2,000. At Plymouth and Perkiomen, the loss is said to be great. The farmers on the Neshamony and Pennypack have also met with serious losses.

The following statement exhibits only a few of the great amount of articles shipped to Philadelphia on the Union canal from the mouth of the Swatara at Middletown between the months of March and November 1831, as certified by Mr. Thomas White, the superintendent of the Union canal and resident at Middletown.

#### LUMBER.

Boards, &c.	12,887,403 feet.
Shingles,	4,801,920
Staves,	35,796
Lumber,	65,036 feet.



## FLOUR AND GRAIN.

Flour,	28,910	barrels.
Wheat,	69,219	bushels.
Rye,	6,862	do
Corn,	8,073	do
Oats,	1,888	bush. & 4 tons.

## COAL.

Bituminous,	71,030	bushels.
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## IRON.

Wrought iron,	773	tons,	8	cwt.	2	qrs.	19	lb.
Pigs,	49	do.	5	do.	2	do	17	lb.
Castings,	235	do.	11	do.	2	do	18	lb.

## LEATHER.

Leather,	124	tons,	19	cwt.	3	qrs.	12	lb.
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These are but a few of the articles which came down the Susquehanna and stopped at the mouth of the Swatara, and were carried to Philadelphia two years ago. The amount has greatly increased since, and would quadruple if another communication was opened to the city from this point by which the market could be reached as speedily as to go down the river to Baltimore. As great as the quantity of produce is which now stops at the mouth of the Swatara, it is but a small portion compared to that which floats down the Susquehanna to tide in arks and rafts. To arrest this trade and divert it to our own metropolis should be the great object of Pennsylvanians.—*Penn. Intel.*

**SUSQUEHANNA TRADE.**—There floated past the village of Cattawissa, on the North Branch of the Susquehanna, from the 18th to the 23d of May, 2688 Arks and 3480 Rafts—Total 6168. If the average be placed at \$400 each, nearly two and a half millions of dollars passed a single branch in the short space of five days.

**MORE DESTRUCTION.**—We have just seen a letter from Mr. Jenks, one of the county commissioners, who had been engaged in building a bridge across the Neshamony, stating the immense loss to the county in the destruction of bridges, and calling the board together to consult upon the course to be adopted. We believe there is but one bridge left entire from the Wolf Bridge to the Delaware. The Bridge at Newport is gone. That at Hulmeville partly,—the Federal Bridge, and in fact every one with the exception of the Wolf Bridge is more or less injured. Mr. Jenks, who had the superintendence of a new one building, has lost all the materials and tools of every kind.—A number of dams have also been carried away. The dam and mill of Mr. Trump, is partly destroyed, with a large quantity of flour and grain. The store house of Anthony Taylor Esq. with a large quantity of flour, was swept off. We are told the banks of the Delaware are strewn with timber and barrels of flour, and that many of the logs were driven to the Jersey side: such was the force of the current down the Neshamony. At New Hope the dam and mill owned by Mr. Benjamin Parry, is partly destroyed, and with it about 2000 bushels of grain, owned by Mr. Mordecai Thomas.—*Doylestown Dem.*

**GREAT FLOOD.**—About midnight of Thursday last it commenced raining and continued without much intermission until about 10 o'clock on Friday morning. After day-light it appeared to come down in torrents, which caused the streams in this vicinity to swell to an unprecedented height. About 12 o'clock the Neshamony, where the Philadelphia Road crosses it, 2 miles below Doylestown, was higher than at any former period within the recollection of the oldest inhabitants. The arches of the large stone bridge were filled within a few inches of the top and the flood swept with great fury around the Eastern abutment, filling the first floor of the mill, and completely inundating the shops which stand between the road and the stream. Rails, logs,

Hay, &c. floated down in vast quantities, and the torrent of water seemed to take every thing in its course. The amount of damage to meadows, mills, milldams, fences and fields in flat places is immense and scarcely a bridge has escaped without more or less injury. Among the most extensive losses that we have heard of, are—the Mill of Mr. Parry at New Hope, part of which is carried away, and about 2,000 Bushels of wheat belonging to Mr. Thomas the miller.

Mr. Carver's Mill in Buckingham near Pineville is much damaged. Part of the wood work of the bridge across Neshamony on the road to Norristown, a small bridge on the Philadelphia road at Bridgepoint, the stone bridge across little Neshamony on the Philadelphia road 6 miles below Doylestown, are considerably injured.

The Stage came from Easton to this place without much interruption; but was unable to cross Neshamony on the Easton Road. It succeeded in getting across at the Bridge on the York Road. The stage from Philadelphia was stopped at the same place and remained with the passengers and mail at Fretz Valley, until the waters subsided. It succeeded in getting to Doylestown about 5 o'clock in the afternoon; but the driver of the team which goes on from this place had started about two hours before. The mail was forwarded express by Mr. Snyder the Post Master, the passengers being obliged to remain.—*Doylestown Intel.* June 24.

DOYLESTOWN, June 11, 1833.

**DESTRUCTIVE STORM.**—One of the most destructive storms, which has ever visited our county, occurred on Sunday afternoon the 2d inst. passing through several of the lower townships in this county, and laying waste ever thing over which it passed. We have not learned the extent of it, nor the injury done, but it must be great. The grain fields over which it passed have been destroyed, and in many places, whole orchards of fruit trees are destroyed, in some of which not one was left standing, and near Attleborough, we are told it took off and destroyed a large body of timber, twisting off huge oaks, and carrying the tops the distance of five hundred yards. One individual, whose name we have forgotten, had his buildings nearly all destroyed—his loss is said to be about \$500, and a number had their barns blown down or unroofed, and their fences carried off. The extent of the whirlwind was several miles in length and about three hundred yards wide. We cannot give any estimate of the damage done, but it must be very great. No lives were lost, although several persons narrowly escaped destruction.

Schuylkill County Poor House, }  
May 24th, 1833. }

The following number of persons were admitted, since April 15, 1833, to this day, from each borough and township, to wit.

	Persons. Males. Females.		
Orwigsburg, none.			
Pottsville,	18	13	5
Brunswick township,	4	2	2
Lower Mahantango, do.	4	3	1
Manheim,	6	4	2
Norwegian,	11	6	5
Wayne,	4	1	3
Upper Mahantango,	1	1	
Pinegrove,	1		1
Schuylkill, none.			
Rush, none.			
West Penn, none.			
Barry, none.			
Union, none.			
Total,	49	30	19

Seven are out-door paupers—22 are natives, or American—23 foreigners—12 Irish, 3 English, 1 Welsh, 3



Germans—2 persons of color, of whom 1 died. Discharged, 10.

BENJ. BECKER, Steward.

*Aurora Borealis.*—We mentioned on Saturday morning, the appearance of an Aurora Borealis, on the preceding evening. After that paragraph was written, the phenomenon assumed a new shape, and drew into the streets many thousand people with upturned visages. The broad blaze of the Aurora having the usual resemblance of a fine summer morning a few minutes before sunrise, extending from east to west, its greatest latitude in the north about 25 degrees; it was considerably mottled by broken clouds that rested on that side of the horizon, but still its light was strong and beautiful. About ten o'clock a white flimsy ribbon shaped band shot up from the south east, and extended in a semicircular shape, quite across the horizon, reaching the Aurora Borealis at the north-western edge. The band was about three degrees wide and transparent, and before it was covered by a cloud, its centre rested some 4 or 5 degrees south of our zenith.—*Philad'a. U. S. Gaz.*

**RATTLESNAKES.**—Two rattlesnakes have recently been killed in Rattlesnake township, Berks county, having each 23 rattles.

**THE CANAL.**—We learn that a large breach was made in the canal at New Hope, by the late flood, and that, in some other places, large quantities of dirt has been washed into it.—*Doylestown Democrat.*

**STEAM ENGINE.**—The North American Company, we understand, have received a steam engine which is to be employed in their mining operations, being the second introduced for this purpose into the coal region of this neighborhood. The result of the experiment will be interesting to all, and we trust, advantageous to the Company.—*Pottsville.*

The *Crawford Messenger* says: "The fish in Conneant Lake are said to be dying in great numbers—the shores of the Lake are represented as being 'white with them.'"

**COAL MINE ON FIRE.**—The singular spectacle of a coal vein on fire, is to be seen in the neighborhood of Port Carbon, at no great distance from the Schuylkill Valley Rail-road. It is supposed that fire was communicated to the coal vein some years ago, since which it has been in a state of ignition, smoke having been seen at different periods issuing from the ground in various places. The fire is distinctly visible from the surface of the ground by means of a shaft.—*Miners Journal.*

## THE REGISTER.

PHILADELPHIA, JULY 6, 1833.

The fourth instant was celebrated in this city, with less military parade than usual, but the observance of the day was not however neglected. "The Philadelphia Association for Celebrating the Fourth of July, without distinction of party, formed a procession at the Adelphi, and passed up Fifth to Chesnut, up Chesnut to Seventh, up Seventh to Arch, and down Arch to the Second Presbyterian church, corner of Third street, where after prayer by the Rev. Mr. Breckenbridge, an oration was delivered by J.M. Scott, Esq. Several pieces of music were also performed. From the church, the Association returned by a different route to the Adelphi to dine.

The friends of the American System and of the city

administration, partook of a dinner at Harding's, at which in the absence of the Hon. John Sergeant, Matthew Carey, Esq. presided.

The Independent Democratic Citizens of the county, dined at Kockersperger's Hotel, near Bush hill, where Bela Badger, Esq. presided. The Declaration of Independence was read by C. J. Wolbert, Esq.

The Society of Cincinnati, as usual, met and dined together.

There were numerous other assemblages for the purpose of celebrating the day, of which we have not the particulars. We understand orations were delivered by G. M. Dallas, Antony Laussat, Geo. L. Ashmead and Robert F. Conrad, Esqs.

But the most interesting and important event, in its consequences, was the celebration of laying the corner stone of the Girard College, at Peel Hall. On the 3rd of June, ground was broken; and the excavation for the foundation having been completed, the Mayor, Aldermen, Members of Councils, and the different Committees, &c. connected with the Girard Trust, together with a large collection of citizens, attended at an early hour, on the fourth instant. Precisely at meridian the ceremony commenced, and after depositing the corner stone, which was a large block of hewn marble, in its place at the north east corner of the proposed building, a very chaste and appropriate address was delivered by Nicholas Biddle, Esq. President of the Trustees, which we hope hereafter to be enabled to present to our readers, together with some further details of the day. After partaking of a cold collation prepared for the occasion, the company dispersed. Among the articles deposited in the corner stone, was a remarkably good likeness of Mr. Girard, cut upon a piece of very white marble, by a lad apparently about fifteen years of age; his name is D. G. Wilson. The extraordinary talent in this way, thus manifested, excited the attention of the company, and a general opinion seemed to prevail that it ought to be developed more fully by suitable encouragement and opportunities.

The city was unusually quiet all day, and we have heard of no unpleasant occurrences.

The following is the section of the act passed April 9th, "to abolish imprisonment for debt," which went into operation on the fourth instant.

Section 4th. "And be it enacted, &c. That from and after the passage of this act, no person shall be imprisoned for any debt or sum of money, due on contract, contracted from and after the fourth of July next, where the debt demanded, or judgment obtained, is less than five dollars and thirty-four cents, exclusive of costs."

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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From the United States Gazette.

## LAYING THE CORNER STONE OF THE GIRARD COLLEGE FOR ORPHANS.

The Committee of City Councils appointed to superintend the building of the GIRARD COLLEGE FOR ORPHANS, having completed their preliminary arrangements, determined to lay the corner stone of that edifice, dedicated to the public good, on the anniversary of the nation's independence. Notices were therefore issued to all the city officers, members of Councils and many other citizens, to join in the interesting ceremonies.

On Thursday last, the 4th instant, in compliance with special or general invitations, between 11 o'clock A. M. and noon, a large concourse of citizens assembled at the site of the College, and in due time the committee of arrangements called the people to order, and the work which constituted the attraction of the occasion commenced. The immense block of marble called the corner stone, was raised by means of sheers, and lowered into its appointed place. The architect, Thomas U. Walters, and the superintendent, Jacob Souders, announced that it was in its proper position. The deposits were then made, and a large slab of marble was placed upon the corner stone, and the two carefully cemented. The architect then announced to the building committee that the corner stone of the College was duly placed.

John Gilder, Esq. chairman of the building committee, announced in an appropriate manner the completion of the work to the city authorities, and to the trustees of the college. Mr. Gilder then made the following announcement to the citizens.

We have deposited in this corner stone a copy of the will of Stephen Girard, the coins of the United States, one 5 and one 10 dollar note of Stephen Girard's Bank, bearing his signature; the newspapers of the day, and a scroll containing the following

### INSCRIPTION:

This Corner Stone of the Girard College for Orphans was laid on the 4th day of July, 1833, at meridian, in presence of the Mayor, Recorder, Aldermen, the Select and Common Councils of the City of Philadelphia, and the Trustees of the Girard College for Orphans, by the Building Committee, consisting of

John Gilder, Chairman,

Joshua Lippincott,	John Byerly,
John R. Neff,	Ephraim Haines,
Dennis McCredy,	and
Joseph Worrell,	Samuel V. Merrick,

The architect, Thomas U. Walters, the general superintendent, Jacob Souder; Findley Highlands being superintendent of the marble work, and John P. Binns, clerk of the works.

*Corporation of the city of Philadelphia.*

Mayor,	Recorder,
John Swift,	Joseph M'Ilvaine.

*Aldermen.*

Robert Wharton,	• John Binns,
John Inskeep,	William Milnor,
Andrew Pettit,	Thomas McKean,
George Bartram,	Andrew Geyer,

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Samuel Badger,  
Peter Christian,  
William Duane,  
Joseph Watson,

Joseph Burden,  
Jonathan K. Hassinger,  
and  
Michael W. Ash.

### *Select Council.*

Joseph R. Ingersoll, President.

Daniel Groves,  
Joshua Lippincott,  
Manuel Eyre,  
Charles Massey, Jr.  
Joseph Worrell,

Henry Toland,  
John P. Wetherill,  
John R. Neff,  
Lawrence Lewis, and  
Dennis McCredy.

### *Common Council.*

Henry Troth, President.

John Gilder,  
Samuel V. Merrick,  
Ephraim Haines,  
Henry Sailor,  
Joseph R. Chandler,  
James Gowen,  
Robert M. Houston,  
Joseph Aken,  
Joseph B. Smith,  
Benjamin H. Yarnall,

Robert M'Killin,  
John J. Borie,  
John Maitland,  
Samuel P. Wetherill,  
Isaac Elliott,  
Thomas W. Morris,  
John Byerly,  
David Lapsley, Jr.  
and  
Robert Toland,

### *Trustees of the College.*

Nicholas Biddle, President.

John Swift,  
Joseph R. Ingersoll,  
Henry Troth,  
George B. Wood,  
Thomas M'Euen,  
William H. Keating,  
Richard Price,  
Benjamin W. Richards,  
Thomas Dunlap,

Charles Bird,  
Joseph M'Ilvaine,  
George W. Toland,  
John M. Keagy,  
William M. Meredith,  
Algernon S. Roberts,  
John Steele,  
and  
John C. Stocker.

George Wolf, Governor of the state of Pennsylvania.

Andrew Jackson, President of the United States.

Stephen Girard was born at Bordeaux, in France, on the 24th day of May, 1750; his first landing in the United States was at the port of New York; the seat of his residence and successful enterprizes was the city of Philadelphia, where he died on the 26th day of December, 1831, devising, for the benefit of society, the most splendid donation that philanthropy had ever devoted.

This College, a portion of the beneficence of Stephen Girard, for the education of poor male orphans, was endowed by him with two millions of dollars.

When the work was completed, and the completion formally announced, the company listened with admiration to the following

### ADDRESS,

BY NICHOLAS BIDDLE, ESQ.

Chairman of the Trustees of the Girard College for Orphans, pronounced by request of the Building Committee, on the occasion of laying the corner stone of the edifice, July 4th, 1833.

FELLOW CITIZENS:—We have now witnessed the laying of the corner stone of the Girard College for Orphans. That stone, simple, massive and enduring, fit



emblem of the structure to be reared from it, and of the man whose name it bears, has been deposited in its final resting place. The earth received it. To-morrow the earth will cover it. Ours are the last eyes which shall look upon it, and hereafter it will lie in its silent repose, unmoved by all the revolutions of the changing world above it.

And yet from out that depth is to rise the spirit which may more influence the destiny of ourselves and our children, than all else the world now contains. The seed that has been planted is of the tree of knowledge—that growth which gives to existence all that renders it attractive—flowers for our early youth—fruits in maturer life, and shelter for declining years. It is that knowledge, which trampling down in its progress the dominion of brutal force, and giving to intellect its just ascendancy, has at length become the master power of the world. No people can now be distinguished or prosperous, or truly great, but by the diffusion of knowledge—and in the stirring competition of the roused spirits of our time, the first glory and the highest success must be assigned to the best educated nation. If this be true in our relations abroad, it is far more true at home. Our institutions have boldly ventured to place the whole power of our country in the hands of the people at large, freed from all the great restraints which in other countries were deemed necessary. In doing this, their reliance is entirely on the general intelligence and education of the community, without which, such institutions can have neither permanence nor value. Their brilliant success has hitherto justified that confidence, but as our population becomes concentrated into denser masses, with more excited passions and keener wants, the corrective influence of instruction becomes daily more essential. The education then of the people, which elsewhere is desirable or useful, becomes with us essential to the enjoyment, as well as to the safety of our institutions. Our general equality of rights would be unavailing without the intelligence to understand and to defend them—our general equality of power would be dangerous, if it enabled an ignorant mass to triumph by numerical force over the superior intelligence which it envied—our universal right to political distinction, unless the people are qualified for it by education, becomes a mere abstraction, exciting only an abortive ambition. While therefore, to be uneducated and ignorant, is in other countries a private misfortune, in ours it is a public wrong; and the great object to which statesmen should direct their efforts is to elevate the standard of public instruction to the level,—the high table land—of our institutions. It is thus that this day has been appropriately chosen for the present solemnity.

It is fit that the anniversary of that day when our ancestors laid the broad foundation of our public liberties—on that day when our countrymen, throughout this prosperous empire, are enjoying the blessings which these institutions confer,—we, in our sphere of duty, should commence this great work, so eminently adapted to secure and perpetuate them.

This truth no man felt with a deeper conviction than our distinguished fellow citizen, whose history, and whose design in founding this institution, may aptly occupy, for a few moments, our attention.

Of these, now that the tomb has dissipated all the illusion which once surrounded them, we can speak with the impartiality of history; and here, on this chosen spot, the scene of his future fame, we may freely bestow on his memory the homage which his unassuming nature would have shunned while living.

We all remember, and most of us knew him. Plain in appearance, simple in manners, frugal in all his habits, his long life was one unbroken succession of intense and untiring industry. Wealthy, yet without indulging in the ordinary luxuries which wealth may procure—a stranger to the social circle—indifferent to political distinction—with no apparent enjoyment except

in impelling and regulating the multiplied occupations of which he was the centre,—whose very relaxation was only variety of labor, he passed from youth to manhood and finally to extreme old age, the same unchanged, unvarying model of judicious and successful enterprise. At length, men began to gaze with wonder on this mysterious being, who, without any of the ordinary stimulants to exertion, urged by neither his own wants, nor the wants of others, with riches already beyond the hopes of avarice, yet persevered in this unceasing scheme of accumulation; and possessing so much, strove to possess more as anxiously as if he possessed nothing. They did not know that under this cold exterior, and aloof in that stern solitude of his mind, with all that seeming indifference to the world and the world's opinions, he still felt the deepest sympathy for human affliction, and nursed a stronger, yet a far nobler and wiser ambition to benefit mankind, than ever animated the most devoted follower of that world's applause. His death first revealed, that all this accumulation of his laborious and prolonged existence, was to be the inheritance of us and of our children,—that for our and their comfort, the city of his adoption was to be improved and embellished, and above all, that for their advancement in science, and in morals, were to be dedicated the fruits of his long years of toil.

It required the self-denial of no common mind, to resist the temptation of being himself the witness and the administrator of this bounty, and to have abstained from enjoying the applause of his grateful countrymen, who would have acknowledged with affectionate respect, the benefits which they derived from him. Yet even this secret and prospective munificence must have had its charm for a mind like his; and we may well imagine that the deep and retired stillness of his spirit was often soothed with the visions of the lasting good, and perhaps, too, of the posthumous glory, which he was preparing. Such contemplations he might well indulge, for to few have they been so fully realized. From the moment that foundation stone touched the earth, the name of Girard was beyond the reach of oblivion. From this hour, that name is destined to survive to the latest posterity, and while letters and the arts exist, he will be cited as the man who, with a generous spirit and a sagacious foresight, bequeathed, for the improvement of his fellow men, the accumulated earnings of his life. He will be remembered in all future times by the emphatic title with which he chose to be designated and with which he commences his will—a title by which we ourselves may proudly recognize him as “Stephen Girard of the city of Philadelphia, in the commonwealth of Pennsylvania, Merchant and Mariner”—the author of a more munificent act of enlightened charity than was ever performed by any other human being.

His, will indeed be the most durable basis of all human distinction—a wise benevolence in the cause of letters. The ordinary charity which feeds or clothes the distressed, estimable as it is, relieves only the physical wants of the sufferer. But the enlightened benevolence which looks deeper into the wants of our nature—which not merely prolongs existence, but renders that existence a blessing, by pouring into these recesses of sorrow the radiance of moral and intellectual cultivation—this it is which forms the world's truest benefactor, and confers the most enduring of all fame. His glory is the more secure, because the very objects of that benevolence are enabled to repay with fame, the kindness which sustains them.

It is not unreasonable to conjecture that in all future times, there will probably be in existence many thousand men who will owe to Girard the greatest of all blessings, a virtuous education; men who will have been rescued from want and perhaps from vice, and armed with power to rise to wealth and distinction. Among them will be found some of the best educated citizens, accomplished scholars, intelligent mechanics,



distinguished artists, and the most prominent statesmen. In the midst of their prosperity, such men can never forget the source of it, nor will they ever cease to mingle with their prayers and to commemorate with their labors, the name of their great benefactor. What human being can be insensible to the happiness of having caused such a succession of good through remote ages, or not feel that such applause is more grateful than all the shouts which ever rose from the bloodiest field of battle, and worth all the vulgar fame of a hundred conquests!

The general design and the resources of the institution are proportioned to its purposes, and characteristic of him who did nothing which he did not do well.

After the building shall have been completed, there will remain the annual income from two millions of dollars, now yielding \$102,000, and if these funds should be inadequate for all the orphans applying for admission, the income of nearly all the remainder of the estate is to be appropriated to the erection of as many new buildings as his square in the city would have contained. So that, in general, it may be stated with reasonable confidence, that when all the buildings are ready for the reception of the pupils, there will be available for the maintenance of the institution, an income of not less than one hundred thousand dollars, which may be increased to at least two hundred and twenty thousand dollars.

These ample funds are to be devoted to the maintenance and education of "poor male white orphan children." Of all the classes of human indigence there are none more helpless and none more entitled to our sympathies than these children of misfortune. They have lost their natural protectors. The arms which have hitherto embraced and sustained them, have been folded in death. They began life in comfort, perhaps in affluence; but now they stand alone, abandoned and helpless, to struggle against the world's coldness, with precarious means of subsistence, with no means of instruction, and treading on that narrow and slippery verge which too often separates want from crime. From this friendless condition, they are rescued by the benevolence of Girard, who not merely provides the means of subsistence, but redressing the wrongs of fortune, raises them at once in the scale of being, and qualifies them to be useful members of that society which they would otherwise disturb or corrupt.

How wide the limits of that benevolence may be, it is impossible to conjecture. If the imperfection of language suggests a doubt as to the degree of destitution which makes an "orphan," the greater weakness of our nature forces upon us the melancholy inquiry,—what child is there who may not be a poor orphan? Who is there indeed among us whose children may not yet need the blessings of this institution? Let none of us in the confidence of prosperity deem his own offspring secure. Alas! all our prosperity is so vain and shadowy, and misfortune is so constantly in ambush to assail us, that it were presumptuous in any of us to suppose himself beyond the reach of vicissitudes, which would render such an institution the happiest refuge for his children. Yes, fellow citizens, this college is our own; the property of us all. It is intended to remedy misfortunes to which we are all equally liable. And it should be a source of great consolation to each of us, that if, in the ever-varying turns of human life, misfortune should overtake, and death surprise us, they who bear our names, and are destined to be the fathers of our descendants, will here find a home where they may be prepared for future usefulness, and become in turn the protectors and support of their more helpless relatives.

Hereafter, thanks to the bounty of Girard, every father among us may, on his death-bed, enjoy the reflection, that although unprovided with fortune, there is secured to his sons that which is at once the means of fortune, and far better than the ampest fortune without it,—a good education. This consideration, if any such

incentives were wanting, may serve to stimulate the sense of public duty in those who administer the institution, to render it worthy of their own children.

For this purpose, happily, it is only necessary to fulfil the design of the founder, which provides ample means and expressly enjoins the employment of them, to give every kind of liberal and useful instruction.

They would much err, who, comparing this institution with any ordinary standard, regard it as an almshouse or a poorhouse, in which a certain number of pauper boys, housed together, to be kept from harm, are to receive some hasty rudiments of instruction, and then to be thrust out on the world to make way for a similar swarm of unfortunate children. By no means. The comprehensive benevolence of Girard looked to higher and better things. It is not a poor school nor a charity school, nor a free school, in their ordinary acceptance. It is, as he denominates it, a "College." The peremptory prohibition that "no distinctive dress should ever be worn," reveals his purpose that these youths shall not be designated as objects of remark or contempt by their contemporaries—that they shall be distinguished only by their conduct, and shall not wear the livery even of charity. The instruction too required, is of the highest character, embracing almost every thing worthy of being studied in the circle of human knowledge. "They shall be instructed," says he, "in the various branches of a sound education, comprehending reading, writing, grammar, arithmetic, geography, navigation, surveying, practical mathematics, astronomy, natural, chemical, and experimental philosophy, the French and Spanish languages—(I do not forbid, but I do not recommend the Greek and Latin languages)—and such other learning and science as the capacities of the several scholars may merit or warrant."

This excludes nothing—nay, it embraces every thing necessary to form a well educated man. How far this instruction is to be carried—whether when the degrees of talent and disposition come to be analysed, some are to be instructed up to the point of their appropriate capacity, while the more intelligent and more diligent are to be carried into the higher regions of science, are questions of future administrations, to be decided by experience. But it is manifest that all the means of education, thorough, perfect education; are to be provided; that every facility for the acquisition of knowledge should be at hand; nor is there any reason why the Girard College—liberally endowed beyond all example—should not be superior to any existing establishment, in the talents of its professors or the abundance of its means of instruction; and with the blessing of God, so it shall be. There shall be collected within these walls all that the knowledge and research of men have accumulated to enlighten and improve the minds of youth. It will be the civil West Point of this country, where all the sciences which minister to men's happiness, and all the arts of peace, may be thoroughly and practically taught. Its success will naturally render it the model for other institutions—the centre of all improvement in things taught no less than in the art of teaching them—the nursery of instructors as well as pupils;—thus, not merely accomplishing the direct benefit of those to whom its instruction extends, but irradiating by its example the whole circumference of human knowledge.

To this intellectual cultivation will be added that, without which all instruction is valueless, and all learning the mere ability for evil—that moral discipline which makes men virtuous and happy at their own free sides. "My desire is," says he, "that all the instructors and teachers in the college shall take pains to instil into the minds of the scholars, the pure principles of morality, so that on their entrance into active life, they may, from inclination and habit, evince benevolence towards their fellow creatures, and a love of truth, sobriety, and industry." When this harmony between the heart and the understanding ceases, mere knowledge is a curse,



and men become intellectual statues, with the perfect forms of manly exterior, but cold, and selfish, and worthless to the community which endures them. Our youth too will not fail to be deeply imbued with that enthusiastic devotion to republican government, and that knowledge of his public rights and duties, which should form the basis of the American character. It is thus that the founder strictly enjoins "that by every proper means, a pure attachment to our republican institutions, and to the sacred rights of conscience as guaranteed by our happy constitution, shall be formed and fostered in the minds of the scholars."

Nor need there be any dread that such an education will disqualify them for their pursuits in after life. In this country all pursuits are open to all men, nor need the humblest citizen despair of the highest honors of the republic. They err who suppose that because men are instructed, they may desert the ordinary walks of employment. There never can be such an over-education of the mass of the people. Men labor not for a want of knowledge, but for the want of bread. The cultivation of the mind, like the cultivation of the soil, only renders it more productive, and knowledge becomes the best auxiliary to industry by rendering the laborer more intelligent and more ambitious to excel. The youths thus instructed will go forth into the various pursuits of life, many of which are in their nature mechanical; but they will begin with the disposition and the power not merely to excel in them, but to rise beyond them; and they will emerge from their workshops, as their countrymen, Franklin, and Rittenhouse, and Godfrey, and Fulton did before them, reaching all the distinctions of the state which may be honorably won, by talents and character.

That the scene of so many blessings may be appropriate to them, it is intended to make this structure worthy of its great object;—worthy of the name of its founder, and of the city which he was so anxious to embellish. Among the sciences most needed in this country, where individual wealth is hastening to indulge its taste, and where every state and city and county requires extensive public buildings, is architecture. Indispensable in the rudest forms of life, it becomes the highest ornament of the most enlightened. In every state of its progress, the style of its public works displays the character of the nation which rears them. Disproportioned and grotesque among a course and unlettered people—in nations more advanced, often over ornamented with the gaudy profusion and the caprices of tasteless wealth—it is only when sustained by the public spirit of a community at once enlightened and generous, that architecture attains its highest glory—a refined simplicity. Of that perfection it is proposed that this structure shall present a model, the equal at least of similar works in any other country, and not unworthy of the best days of antiquity—a structure which will at once gratify the honorable pride of every citizen of the United States, and form the best study for all the branches of industry connected with architecture.

The enjoyment of so many advantages devolves on us, fellow citizens, the duty of great care and vigilance to preserve them.

After bestowing upon our city this rich inheritance, Girard adds this emphatic declaration. "In relation to the organization of the College and its appendages, I leave necessarily many details to the Mayor, Aldermen, and citizens of Philadelphia, and I do so with the more confidence, as, from the nature of my bequests and the benefit to result from them, I trust that my fellow citizens of Philadelphia will observe and evince special care and anxiety in selecting members for their City Councils and other Agents."

That the generous confidence with which he has thus committed to us the execution of his great designs, should never be betrayed, we owe equally to the name of the founder and to the interests of our posterity; as the whole value of this institution will depend entirely

on the administration of it. For myself and my colleagues, to whom the high honor has been assigned of sharing in that administration, I can only say, fellow citizens, that we have assumed the trust with the deepest sense of its responsibility, and a determination to execute it in the spirit of enlightened benevolence which animated the founder; and we shall in our turn retire from it, with the hope that our fair city may always find successors who to equal zeal, add greater ability to serve it.

Under such auspices, we confidently trust that all the expectations of the founder will be realized. With this delightful anticipation, we now invoke the blessing of God on this great undertaking.

In the name of *Stephen Girard, of the city of Philadelphia, in the Commonwealth of Pennsylvania, Merchant, and Mariner*, we lay the foundation of this *Girard College for Orphans*. We dedicate it to the cause of *CHARITY*, which not only feeds and clothes the destitute, but wisely confers the greatest blessings on the greatest sufferers;

To the cause of *Education*, which gives to human life its chief value;

To the cause of *Morals*, without which knowledge were worse than unavailing; and finally,

To the cause of our *Country*, whose service is the noblest object to which knowledge and morals can be devoted.

Long may this structure stand, in its majestic simplicity, the pride and admiration of our latest posterity; long may it continue to yield its annual harvest of educated and moral citizens to adorn and to defend our country. Long may each successive age enjoy its still increasing benefits, when time shall have filled its halls with the memory of the mighty dead who have been reared within them, and shed over its outward beauty the mellowing hues of a thousand years of renown.

#### SKETCH OF THE PROPOSED BUILDING.

The College is located on a tract of land containing forty-five acres, formerly known by the name of Peel Hall, situated on the Ridge road,  $1\frac{1}{4}$  miles from the city. This estate was purchased from Mr. William Parker, by Mr. Girard, a short time before his death, for the purposes of the college.

The building is peripteral, being 160 feet front, by 217 feet on the flank, including the porticoes.

The columns are six feet in diameter at the base, and 54 feet 6 inches high, including capitals and bases.

The order is Grecian Corinthian, from the monument of Lysicratus, or Lantern of Demosthenes at Athens.

The superstructure reposes on a casement, in the form of a truncated pyramid, composed of 12 steps surrounding the whole building. The passage between the columns and the walls of the cell is 15 feet.

All the columns, entablature, and pediment, are to be composed of white, and the cell of light blue marble. The floors, and stairways, are also to be composed of marble.

The vestibules are each 26 by 48 feet: they are ornamented with 16 rich Ionic columns, ante, and entablature, supporting a ceiling embellished with lacunari.

Each story contains four rooms 50 feet square in the clear. The two rooms across the south end of the first story, are divided from each other by marble columns, and entablature of the Corinthian order, so that they may be used as one room, for the purpose of exhibitions, &c.

The whole building is to be heated by means of furnaces placed in the cellar.

The college is located parallel with the city streets, fronting the south. The land at the base of the building is 26 feet above the reservoir on Fair Mount. The whole height of the edifice is 97 feet, making the elevation of the roof 123 feet above the said reservoir.



Among the interesting objects exhibited at Peel Hall, on Thursday, on the occasion of laying the corner stone of the Girard College, was a piece of sculpture worthy of notice in itself, but especially to be admired when considered in reference to the age of the artist.

It was a small *basso relievo* of Mr. Girard, from Otis's likeness, done on marble, by a *lad* about 16 years of age, named WILSON, an apprentice, as we learn, in the marble cutting establishment of Mr. Sailor, in the north-western part of the city. The likeness of Mr. Girard was, so far as we could judge, fully equal to Otis's portrait, and the work was finished with taste. We have seen nothing of late that reflected more credit on an artist than does this juvenile attempt of Master Wilson. We are sure from the commendation bestowed on the work, and the admiration excited by the faithfulness of the likeness, that the matter will be in good hands, and that the capacities of the boy will be more fully inquired into, with a view towards an improvement of his extraordinary talents.—*U. S. Gazette.*

From the Columbia Spy.

#### YORK BARRENS.

Such is the title given to a considerable section of land situated in the south-eastern part of York county. As the unfortunate title has given the place a worse character than it really merits, perhaps some of the readers of the *Spy* may be gratified with a brief sketch of the country, the people, their customs and manners.

The townships of Chanceford, Lower Chanceford, Town, Peachbottom, Hopewell, and part of Windsor, comprise what is usually denominated the "Barrens of York," containing in 1830 a population of more than 8000 souls. The soil generally is gravelly and poor, interspersed here and there with farms of undulating surface, and soil loam of good quality. The title is not derived—as most persons suppose—from the sterility of the soil; but from the circumstance that some 100 years since, the Indians, for the purpose of improving it as a "hunting ground," subjected the whole face of the country to fire as often as they deem it necessary to do so; and when it became in possession of the whites, nothing but barrens on every side were presented to the view—hence the name. As an evidence that it has undergone this fiery ordeal, it is only necessary to say, that large quantities of land which twenty years since were clothed with barrens, are now thickly covered with thriving young timber.

It is a district of country well watered with durable streams, many of them large enough for water power of every description. Grist and saw-mills, oil and fulling-mills, are numerous, still many eligible sites remain unimproved. The principal mineral discovered is iron ore, for the manufacturing of which, there are two Furnaces in Chanceford, and a Forge (Castle-Fin) in Lower Chanceford.

The greatest natural curiosity is the "Narrows" of Muddy creek, situated on the Baltimore road, about a mile south of the confluence of the two streams, (Big and Little Muddy creeks.) The road crosses the streams near their junction, and with a steep ascent for more than a mile winds its way through scenery that is in a peculiar manner, wild, bold, picturesque, and romantic. On the top of the hill for about two hundred yards is the narrow pass; which is not more than ten or fifteen feet in breadth. On the right hand about three hundred feet almost perpendicularly below, flows Little Muddy creek due north. On the left flow their united streams directly south to the farthest extremity of the pass; where they abruptly turn to the east and smoothly glide toward the Susquehanna. On the left the descent is still more precipitous, so much so as to produce giddiness in most persons who venture too near the brink.

In Peachbottom township slate is found in great abundance and of an excellent quality for roofing. A chain

of mountains—though omitted in most maps—enters this township, (having passed through North Carolina, Virginia, and Maryland,) and passes on to the Susquehanna—traverses Lancaster county between Pequea and Octorara creeks—forms the boundary between Montgomery and Berks, and reaches the Delaware between Northampton and Berks. Pursuing a northeast course through New Jersey, it enters New York between the sources of the Wallkill and Passaic rivers—forms the Highlands near West Point—and enters Canada under the name of the Green Mountains.

The inhabitants are principally of Scotch and Irish descent, and forsobriety, industry, and purity of morals, are not surpassed by any body of people in the Union. Every landholder lives by the sweat of his brow. Slavery is almost unknown among them. They appear to have adopted the admonition given by Trapbois to Glenvarlock—"The wise man is his own best assistant," and are aware that no man is truly independent, who depends on the labour, or fidelity, of others, for his comfort. Their system of farming heretofore adopted is a bad one, and one that has tended much to impoverish the soil. Having an abundance of woodland, the practice was to clear a field every season. Wheat is universally the first crop sown on the new land. The average crop is from 18 to 20 bushels per acre. The second crop is rye. Corn follows, and then oats. This is the usual course. It is then left out for a year or two, and the course begins again, until it will produce nothing. More recently, as they have improved their system of farming, the face of the country begins to wear a more favorable aspect, and from their persevering industry and habits of economy, all of them live comfortably, and many of them have become quite wealthy.

Huskings, choppings, and quiltings are frequent among them. At the former the neighbors meet at dark; the corn having been previously pulled, and hauled in a pile near the crib. The hands join it, the comic story and the loud laugh are heard. The whiskey bottle goes round often, but seldom are any seen intoxicated. Four or five hundred bushels are husked by nine or ten o'clock. A plentiful supper is provided, and the frolic ends with some kind of play—mostly one called "The Brogue," at which those that are not expert are soon heartily beaten. At the latter the ladies spend the afternoon in quilting—the gentlemen assemble early in the evening—a fiddle is generally provided, and they are soon seen

"Tripping on the light fantastic toe."

This is the only amusement of which they seem to be immoderately fond, and many of them have acquired an ease, and grace in their movements, that are not often surpassed.

Education, there, as in most country places, is too much neglected. All however endeavor to give their children the rudiments of an English education, and many of them are taught the classics. They have generally a good classical school, at which several young men are annually fitted for college. Students from there have generally been distinguished at college, and some of them have taken the first honors. Many of them are now located in different sections of the Union, honorably and profitably pursuing their various professions. The most distinguished of whom are Senator Rowan of Kentucky, and James Ross of Pittsburg.

In a word, the inhabitants, in the aggregate, are kind, hospitable, and rather intelligent. I know of no place where the valetudinarian, or the man wearied with the toils, and vexations incident to a bustling world, could retire for a time, with more prospect of advantage. The pure fresh mountain breezes, and the icy coldness of their limpid bubbling springs, impart a salutary and invigorating effect to the former; while the turbulent passions of the latter are delightfully calmed, as he traverses their interminable forests, admiring the works of nature, or pursuing the different varieties of game that sport upon their boughs, and gambol in their shades:



or angling for the speckled trout, which glide in goodly numbers, through the silvery fluid that gushes along in unsullied brightness over its pebbly bed.

#### LAUSUS.

From the Brownsville Philanthropist.

#### DESCRIPTION OF DELANY'S CAVE

IN FAYETTE COUNTY, PA.

Having understood that there was a cave in Laurel Hill mountain, situate eight or ten miles south of Union, which had never been thoroughly explored, (by human beings,) we determined on trying the experiment. Accordingly on Monday morning the 20th of April, after providing ourselves with ropes, candles, and the necessary implements for producing fire in case our candles should go out we set out, accompanied by J.G. Miller. After a pleasant ride of some fifteen miles, over a country most beautifully diversified with hills and vales, all clothed in nature's mantle of green, we arrived at a small village at the foot of the mountain called Haydentown, from thence ascending the mountain in a north-easterly direction for about five miles, we arrived at the dwelling of Mr. Hamilton Abrams, the farm formerly owned by Mr. Delany; here we left our horses, and also left word that if we did not return by the next morning they should come to our relief. In fifteen minutes we found ourselves seated at the mouth of this awful cavern. It is situate some nine miles south-west of Uniontown, three south of Nixon's mill, and a half a mile east of Mr. Abrams's farm house, rather on the north side of the ridge some 70 or 80 yards from its summit. Around the entrance is a sink hole, something of the shape of a common funnel, about 20 feet deep, from which the entrance is to the westward, seven feet wide and four high in the centre. At 20 minutes before 3 o'clock we entered, and immediately found ourselves in a passage near 12 feet wide and from 20 to 80 feet high, of a regular descent about 48 degrees for 40 feet. After passing down 15 or 20 yards, a branch took off to the left about 25 or 30 yards, and again united with the main passage, which now takes a northwest course, of a more moderate descent; here we were struck with astonishment, and paused for a moment to take a view of the grandeur of nature. This apartment was about 14 feet wide and 40 in height, side walls perpendicular, with a roof formed of two tremendous rocks which appeared hewn out for that purpose, extending from one end of this hall to the other, being near 150 feet. From this hall is a more contracted passage in the same course which leads into a very large room, sufficiently spacious to contain one thousand men, the roof about 12 feet high, and floor very uneven being composed of large rocks. A narrow descending passage to the right of this room leads into another apartment which is about six feet wide and 12 high, and some 20 or 30 feet in length, with a small spring of water running through it: from this we had to return the same way we went in, to the large room, and again pursued much the same direction as before; we arrived at a place which has hitherto been called the "narrows," but which we shall designate as the "flats," which are of an irregular width, but so low that we were obliged to drag ourselves along on our bellies for about 150 feet when we came to a perpendicular descent of about 20 feet which we succeeded in climbing down without the use of our ropes, which we now left at the top of this precipice. After passing some distance though a very uneven and irregular passage with a considerable descent we found ourselves at the head of a large avenue, about 20 feet wide and 50 or 60 feet high, and near two hundred yards long; the floor was sandy and all covered with white spar, but quite thin; the wall on one side was completely covered with the most brilliant white spar, which hung in various forms, making a most elegant appearance by candle light—through the centre ran a considerable stream of excellent water which for the last

hundred feet of this passage had barely descent enough to carry it off. Having followed it some 20 or 30 yards through a small opening in the rocks, we were obliged to turn back, and soon discovered a small opening to the right, which we penetrated and found a narrow ascending passage about two feet wide of a regular curve, which brought us into a beautiful room, the floor of which is one solid rock, which, from its shape appears to have fallen from the roof which is 15 or 20 feet high.

Here we took some refreshment, and wrote our names on half a sheet of letter paper and placed it upon the wall, then fired a gun to try the effects of powder—the whole mountain appeared to tremble, and we were almost deafened with the tremendous report, which was re-echoed, from the top to the bottom of this great cavern. This apartment we designated as Fayette Hall. On the north side of this room and about six feet above the floor, we discovered an opening, which we entered, the roof, sides and floor of which was quite smooth; after going down this passage upwards of 100 feet, we found another large avenue, near 30 feet wide, 50 or 60 feet high, and about 400 yards in length; here we found a considerable collection of white spar, and the stream of water running the whole length of the avenue, after which it passes through a small aperture in the rock. We arrived at the bottom a quarter before seven o'clock, when we again took some refreshment. We now commenced our retreat, which we found very tiresome and difficult. Being anxious to examine the curiosities of nature we had neglected to pay proper attention to our course, and soon discovered that we were off the course; however we found no difficulty in righting ourselves. We each procured a small quantity of spar, as a testimony of our perseverance. Having ascended the flats, we began to search for our hats, which we had left there as we passed down, and soon discovered that one of them had been removed, but to no great distance. This was some hundred yards from the mouth of the cave, though we did not give the matter a second thought, but proceeded on unmolested to the entrance, where we arrived at ten minutes after eight in the evening. We were about 1500 feet perpendicularly below the entrance. The temperature was agreeable. The air appeared to move downwards with the water. The rocks, for a considerable depth, are of blue sand stone; next they appeared to be of limestone; and still lower they could scarcely be termed rocks being of very fine sand clodded together in great masses, and could be broken with the bare hand.

The arches of the avenues are formed by the rocks meeting (thus ^) in the middle of the roofs, and extending the whole length.

Persons visiting this wonderful curiosity cannot be too careful of their lights, as it would certainly prove an utter impossibility to get out without the assistance of light. We were informed in the neighborhood by an eye witness to the fact, that two young men, Crain and Merrifield, had went in to a considerable depth, and returning, lost their course and wandered about till their candles were all burnt out. When they were found, two days after, they were resigned to their fate, and one of them not able to speak. We saw the name of "Crain" written on the rocks in a very remote part of the cave, dated 1802.

As we were proceeding homewards, we discovered that one of our hats had been furiously attacked by an unknown enemy, and some half a dozen pieces taken entirely off the rim. We were not able to recognize him from the marks of his teeth.

#### REVOLUTIONARY ANECDOTE.

From the Boston Transcript.

MR. EDITOR,—The following anecdote of the Revolution was related to me some years ago, by an old revolutionary character of undoubted veracity—and as I have never seen the same any where in print, it may serve at least to entertain a number of your readers, as



well as to illustrate the daring and hazardous spirit which marked the American character in those days.

It is well known, that the almost unparalleled vigilance of Washington, caused him to place spies in every part of the country where they could be of any service, even among the enemies' camps; and during the time that the city of Philadelphia was garrisoned by the British army, an old confidential Frenchman of this character was placed somewhere in the lower part of the city. The American army at the time, I think, lay at Valley Forge. To this old Frenchman Washington very much desired to send a communication, and his just and honest spirit persuaded him that the enterprise was so dangerous that his conscience could not force him to impose it on any one; for he knew if the person was taken, he would be immediately hung by the British General. He therefore inquired of Colonel Johnson if he knew a man worthy of trust—of competent skill and knowledge, who would be willing to undertake a very difficult and dangerous enterprise, for a handsome reward; at the same time, explaining the nature of the undertaking to Col. J.—Col. Johnson replied that he knew a man, who, he thought, might answer his purpose; for as to presence of mind and courage, he was not surpassed by any man in the country—and he was no other than a serjeant in his (Col. J.'s) regiment.

"Well," said Washington, "send him to me early in the morning." By the peep of day the man was there—Washington was immediately informed that a serjeant of the army wished to speak to him. The General was already up, pacing his room, and ordered the man to be shown in, who entered just as he was taking his seat. Washington desired him also to be seated—upon which without delay, the General said to him—"Well, my brave fellow, I have sent for you for the purpose of asking you to undertake a very difficult and hazardous enterprise—and deem it so much so that I cannot impose it upon you; you must undertake it of your own consent, for if you do not succeed, your life will be the forfeit; but if you do, your fortune will be made."—"May it please your honor," said the serjeant, "what is in the power of man to do, I will dare attempt, for your honor's sake, and the American cause." Washington then informed him of his wish, the risk he had to encounter, and proceeded to suggest to him the kind of disguise he would have to use. The serjeant seemed to be glad it was no worse, begged leave to choose his own mode of dress, to which Washington immediately consented.

The serjeant was again to appear the next morning, before daylight; which he did not fail to do, disguised as an old Quaker farmer, with his long cue cut off. His broad brimmed hat, and long waisted coat, were dusted over with flour, to suit a pair of old, once fair topped boots, and a pair of old rusty breeches. He led by his hand a tolerably sleek horse, over whose back hung a pair of panniers or kind of wallet, the sides of which were well stowed with butter, eggs, chickens, and cheese. When Washington beheld him, he could not help putting on one of his usually grave smiles, at the same time handing him a letter addressed to the old Frenchman, which he took good care to conceal somewhere about the trappings of his horse. Thus accoutred, he set out for the British lines, and appeared there just as the day was dawning. The guard halloed, "who goes" and called for the countersign—the poor old farmer knew no countersign, but that of counterfeiting the alarm of a man who was in expectation of being shot every moment. But he cried out in rather an undertone, "not to shoot him, he was an old farmer, stealing into the city with a little marketing in order to procure some few necessaries for his family, who were all lying very sick—and as for those senseless Americans, they have neither money nor any thing else." The plan took admirably; the sentinel passed him through the line to the officers' quarters, who after a few inquiries, gave

him a passport to go into the city. The farmer was well acquainted in the town and knew almost where every body lived in those days. He went at a slow pace down Market street, to the corner of Sixth, where the Schuylkill Bank now stands; and where at that time resided an old Refugee. Dismounting from his well loaded horse he hitched him to a post and knocked lustily at the door. Who should appear but the Refugee himself, who was delighted to see such an abundance of good provand. Suspecting, however, some disguise about the matter, he proceeded to ask some questions of his residence and neighborhood, which being answered satisfactorily, procured for him an invitation into the house, with his whole stock in trade: the price being fixed to every thing, the panniers were soon emptied of their contents, not leaving a single article behind. The worthy host, on paying the farmer his money, requested him not to leave it long before he came again, and to be sure to come to his house first. "Yes, friend, I shall certainly do so, for thou hast been very kind to me," returned the old Quaker, and took his leave. Putting his horse up at one of the inns, without much delay, he leisurely walked down to the old Frenchman's, who kept a kind of drinking house for the soldiers, and which on his arrival the old farmer found filled with red coats, drinking and frolicking; after a few moments, the way being opened to the bar, he asked "if the landlord was in?" He was answered "no" but he would be in directly; upon which the old man called for a pot of ale, and set himself down at a small table, near to a door which opened a passage to the back part of the house. He had not been long seated, before a singular looking old gentleman came in, and passed through the crowd without speaking to any one, directly to the inside of the bar—after asking a few questions, the bar keeper told him that there sat an old farmer that wished to speak with him. Without seeming to notice the remarks, he turned to some other business which seemed to be of much more importance. But a proper time having elapsed he took a suitable occasion to walk out at the door by which the old farmer had placed himself, and as he passed out, he beckoned to the farmer to follow him; which in the space of a moment or two was complied with. The Frenchman quickened his step, up a back winding stairs, followed by the farmer, into a small room; which hardly looked as if it belonged to the house. Both having entered, the Frenchman shut the door, turned the key and put it in his pocket. He next went to a little chest, or box, which he unlocked, and taking out a pair of horseman's pistols, he laid them on a table, and covered them with his pocket-handkerchief—all this time not saying a single word. But now he requested the farmer to take a seat, and sat himself down very coolly by the table on which lay the pistols. Then raising his small black eyes, which peered out from under a pair of dark heavy eyebrows, he observed to the farmer, "I understand you have some business with me." The farmer answered he did not know that he had. "You say you have no business with me?" rejoined the Frenchman. The other replied "no, I dont know that I have." At this the Frenchman seemed much disconcerted, and repeated the question the third time, which was answered as before. A dumb silence now fell over both parties—at last the Frenchman, a little more hurried in his manner, rose from his table, went to a closet in a corner of the room, and opened a small drawer, which was privately fixed for the purpose, and took out a bundle of letters which were subscribed by General Washington. Holding the back of one before the eyes of the farmer he asked him if he knew the handwriting; "Yes, that I do, and now I know you are the very man that I wished to see." "Tis well for you," answered the Frenchman, for if I had been mistaken, clapping his hands on the pistols, "these should have put an end to your existence." The serjeant now being sure of his man, pulled out the letter, addressed in a peculiar way to the spy, in the handwriting of Wash-



ington, and was immediately opened and read. "I understand it," said he, and you will amuse yourself as well as you can for the space of an hour, and then call here, when I will be ready for you." The serjeant still in disguise, then left him and walked up to Market street, down Market to Fourth street, on the south side, passing what was then well known as the Red Lion tavern, which was almost filled with British soldiers; as he passed to his great surprise and alarm, he was met, not far from this tavern, by one of his old acquaintances—a deserter from his own company! who hailed him with "d—m it, Jack, is that you?" The serjeant now thunderstruck seeing he was discovered, with admirable presence of mind, took no notice of the call, but walked slowly until he turned a corner of the street, then quickening his pace, he took the most zigzag course he could find down again to the old spy, instantly telling him that he was discovered, and unless he could be somewhere secreted, he would lose his life. The old spy, almost as much alarmed as the other, in the twinkling of an eye sprang to a very deep cellar, which was well filled with wood, and opening a large hole in the middle of it, ordered the serjeant quickly to jump in, and not attempt to come out, until he came to his relief. He then piled up the wood as it had been before, and very deliberately walked into the bar-room.

Scarcely had he attended to some little matter, before a small company of British soldiers entered in pursuit of an old Quaker farmer. The Frenchman told them that an old man of that description had been there a short time before, called for a pot of ale, and went away. The soldiers, notwithstanding, proceeded to examine the house—turned over all the beds, and examined all the closets they could find; went even down into the cellar where the serjeant had the satisfaction to hear them pass up without him—uttering the most dreadful imprecations. They then left the house and went some distance, trying to trace the farmer further, but hearing nothing more of him, returned again to the old Frenchman's, and swore he must be in that house somewhere, and fell again to examining it as they had done before, and, if possible, even more thoroughly; but finding no trace of the Quaker farmer, they at length gave up the pursuit. For three long days the serjeant remained in his hiding place, being, however, well supplied by the old spy; at the end of which time, the battle of Germantown took place, when all the lines were broken up, the gates of the city thrown open, and crowds of people went out to see the engagement. The old Frenchman hastened to the cellar, told the serjeant now was his time, and to pass out with the general tumult—which he did only losing his horse, (which he never knew what become of,) for a handsome and liberal reward.

### COAL TRADE.

EXTRACT FROM AN ORATION DELIVERED AT POTTSVILLE,  
JULY 4, BY JOSEPH LYON,

And published at length in the *Miners' Journal*.

"Let us for a moment advert to the enduring honor, that enterprise and labour has achieved in the Coal Region, on the Lehigh, Lackawana, Susquehanna, and here on the Schuylkill.

If we applaud him "who produces two blades of grass where only one grew before," what shall be said of the men who have converted worthless and howling wildernesses into scenes of trade and industry, of consumption and production, that yield in importance to the foreign commerce of very few of the sea-ports of the Union.

The navigation on the Schuylkill alone, built and building, exceeds 20,000 tons, and will employ more than 1500 men and boys, and more than 500 horses and mules.

In a season of eight months, we last year shipped from

Schuylkill county, 218,000 tons of coal, filling a fresh water tonnage (counting our ton as a government ton) equal to all that was filled in 12 months, (ending in September 1831,) by the aggregate of the foreign commerce of Pennsylvania, Maryland, and Virginia; yet Schuylkill claims but one portion of this new object of enterprise, in which already are labouring, thousands of the hardy sons of Pennsylvania, native and adopted, wherever there is severe work, wherever there are dangerous undertakings, there do we find our adopted sons—this is no new thing with them—the battles of our revolution—the battles of our last war, were all severe and dangerous jobs—and there were they, shedding their blood with ours: They were here with us in the Coal region in the days of its wilderness—and may we now long enjoy together, its advancing prosperity,—in all harmony and happiness.

Is the coal trade to be for the sole benefit of the land owner and the collier? No, nor is there any portion of our home trade, either among the vast or the minute, that does not advance many other trades, and in many instances create new trades altogether—and all tending to establish our political independence, on foundations that will not be shaken.

This beneficial and wide spread influence, is perhaps as apparent in the Coal Trade as in any other; it draws its vast supplies of horses, mules, cattle and pork from the far west, its fish and incessant supplies of oil from the near and distant fisheries of the east, its interminable wear and tear of clothing from the manufactories of the wool of the north, and of the cotton of the south; it consumes vast quantities of iron, foreign and domestic, and its provender and provisions come from far and near; it paid last year more than \$200,000 for toll on the canal, and more than a quarter of a million of dollars freight.

There is no department in the aggregate of the mighty home trade of the U. States, that is not inter-twisted with many others, all consuming in unbounded abundance, the products of our own soil and of our own skill and labor; this forms the enduring basis on which rests our independence, practical and political; no foreign power can overturn it, no foreign force can reach it."

### PRESENTMENT

OF THE GRAND JURY OF THE MAYOR'S COURT.

### JUNE SESSIONS—1833.

The Grand Inquest of the commonwealth of Pennsylvania, inquiring for the City of Philadelphia upon their oaths and affirmations, respectively do represent—

1st. The editors, publishers, and venders of two weekly papers, published in this City, under the titles of "The Tickler," and "Quizzical Register," whose indecent, libellous, and scurrilous publications, are calculated seriously to impair the public morals, endanger the public peace, promote domestic broils, and in many instances, jeopard the happiness of individuals and their families. These together present an evil of so serious a character, that the Grand Jury cannot, consistently with the duty they owe to their fellow citizens, and with the qualifications they have taken, avoid expressing their unanimous conviction, that the aforesaid licentious publications ought immediately to be corrected, being derogatory to the dignity and order of a well-regulated community.

2d. The assemblage of young men and boys at the corners of our streets, particularly on Sabbath evenings, is a subject which we think demands the notice of our police and courts. Besides the direct mischief which results to the morals and habits of our youth, the order and peace of the community is frequently violated—respectable citizens are insulted; and females, protected or unprotected, are often violently assaulted, and subjected to filthy jests and imprecations, or to witness obscenity in some of the most disgusting forms.



The existence of what may be termed Juvenile Theatres, established in obscure places, is also a source of much injury to the youth of both sexes; the price of admission being low, and where unlimited license is afforded for every vicious indulgence. They are often visited by stealth, and the money paid for admission must be known by those who receive it, to have been very often dishonestly acquired, as the visitors are of an age and a class not to have money of their own.

3d. The block of buildings bounded by Vine and Sassafras and Water and Front streets, the Inquest are of opinion presents a nuisance of a very serious nature, and which may prove detrimental to the public health. There are in this block 29 houses or tenements, containing 94 families, consisting of 472 individuals. These houses generally cover all the ground belonging to the premises: in many of them are residing six families each, and they have not the convenience of a privy, nor a situation in which one could be placed: they are almost without ventilation: the tenants are compelled to use vessels of various kinds, which are emptied, either into the streets and gutters, or into the neighboring docks.

The Grand Jury bring this subject into view in the expectation that measures may be adopted to abate this nuisance, and compel all persons who may in future erect dwellings, to reserve as much ground as will enable them to construct suitable conveniences in the open air.

4th. The Grand Jury further present as a serious evil, the granting of licenses for inns and taverns to persons who are notoriously deficient in the necessary room and furniture, and to an extent, in the opinion of Inquest, entirely uncalled for, either for the accommodation of travellers or the transaction of public business, and very frequently to persons who habitually and openly violate the laws—tempting many of our youth to become intemperate, and to the great detriment of the public morals.

As no other Grand Jury than that of the Mayor's Court is now permitted by law to visit the Eastern Penitentiary, we deemed it a duty to inspect that Institution.

To all our inquiries, the Warden, Mr. Samuel R. Wood, returned prompt and satisfactory answers—a frank and open disposition was manifested to exhibit the prisoners, and every part of the establishment;—and we can scarcely speak of the plan of the buildings, which are so admirably adapted to the security, comfort, and reformation of the convicts, as well as of the economy and entire management of this prison, in terms of too high praise.

The visit to the House of Refuge has impressed the minds of the Grand Jury with emotions of opposite kinds—of regret, that any causes should exist in society, especially the want of proper parental example and instruction, for the committal of offenders of so tender years—but as the necessity does exist, of gratification, that the liberality of the Commonwealth and their fellow citizens, has reared and sustained an Institution in which religious and moral instruction is so amply afforded; where so strict attention is paid to the health and comfort of the inmates; where habits of industry are cultivated and enforced; and where the children are fitted from their various occupations to become industrious and useful members of society. The Grand Jury cannot close their remarks on this subject, without observing that the amount of expenditure to sustain this establishment, is amply repaid by the benefit conferred on the community;—and they feel that there is a debt of gratitude due to the respectable gentlemen who devote their time and talents to the management of this their interesting charge.

The promiscuous intercourse of the inmates of the Arch Street Prison is degrading and demoralizing in the extreme—there may be seen white and coloured prisoners intermingled, who are charged with every

variety of offence—the man who has been unable to meet the expenses of a quashed indictment, and he who stands charged with the crime of murder, are made associates—the extremes of vice, as well as color are here completely blended.

The wretched and disgusting condition which the majority of the prisoners exhibit, awakens a most fearful apprehension of a revisit of that awful scourge, which so recently swept so many of its unhappy inmates into one common grave. Some of the prisoners placed here upon trial, and some as witnesses for petty offences, are kept for weeks and months in their filthy and scanty raiment, before they receive their trial. Others, in whom the sense of decency is not extinct, divest themselves of every article of clothing, except just sufficient to hide the extreme of nakedness, in order that they may appear at least decent when brought out of prison for trial.

With the question of guilt or innocence we have nothing to do; but we think that humanity, as well as common sense, decides, that it is demoralizing in the last degree, thus to unite the suspected with the convicted, the extremes of vice as well as color in the same common herd.

The Grand Inquest for the City intend no reflection either upon the keepers or inspectors—they know that these gentlemen deplore equally with the Inquest the existence of these evils—the defect, the mischief, is in the system, and not in the management. It is proper to remark, that the only separation is that of the sexes. The Debtor's Apartment could be improved by greater attention to its cleanliness.

The Prison in Walnut street presented a degree of order and cleanliness which is highly creditable to the inspectors and keepers. There were but few sick in any of the Prisons, and none with what are termed malignant diseases. The Inquest, in taking leave of this subject, cannot but congratulate their fellow citizens upon the change which will soon be made by the demolition of the two prisons alluded to, and the transfer of the prisoners to that which is now being erected in Federal street—the discipline of which will be conformed to that which is so benevolently and faithfully administered in the Prison at Cherry Hill.

SAMUEL J. ROBBINS, Foreman.

Wm. S. Perot,	I. Collins,
R. W. Pomeroy,	Francis Smith,
Richard S. Risley,	Owen McGirr,
Joseph W. Buzby,	J. Troubat,
Joseph Paul,	Edward Parker,
John Wiegand,	Charles White,
Henry Duhring,	Thos. Stokley,
Jonas Gleason,	Jacob Beck,
James Rowland,	Thos. Koehler.

From the Philadelphia Gazette.

#### PROCEEDINGS OF COUNCILS.

Thursday evening, June 13, 1833.

SELECT COUNCIL.—The following communication was received.

Office of the Board of Commissioners of the }  
Girard Estates, June 11, 1833. }

At a meeting of the Board held this day, the Treasurer of the Girard Trust informed that on the 23th May 1833, the Executors of Stephen Girard filed an account at the Register's Office, and communicated the following extract therefrom, which the Board ordered to be transmitted to Councils.

Gross amount paid over by Executors,	4,030,384	2
Commissions allowed for trouble on		
\$2,777,863 66, 2½		69,446 68
Commissioners allowed for trouble on		
\$1,886,756 14, 5		94,337 80
Balance due to the estate,		470,451 40

From the Minutes.

MORGAN ASH, Secretary.



*Treasurer's office of the Girard Trust, }*  
*March 30th, 1833. }*

To the President and Members of the Select and Common Councils.

Gentlemen,—I herewith present to Councils an account of the receipts and payments of the Girard Trust Fund for the first quarter of the year 1833, ending this day, by which you will find that the whole amount of cash received in this quarter is \$26,753 16-100, and the amount of payments in the same time was \$11,776 82-100, leaving a balance in the treasury of \$34,407 73-100.

The receipts are from the following sources:	
For rents of real estate,	17,370 50
Dividend for six months on the Schuylkill Navigation Company's stock,	5,500 00
Three months interest on the Schuylkill Navigation Company's loan,	3,655 44
Six months interest on the Schuylkill Navigation Company's loan for the fund to purchase fuel for poor white housekeepers and roomkeepers in the city of Philadelphia,	227 22
	<hr/>
	\$26,753 15

The payments are chargeable to	
Real estate for repairs and materials,	2,426 12
Girard College, premium for plans, &c.	1,254 50
Incidental expences including salaries,	2,224 98
Annuities six months in advance,	2,350 00
Water rents for 1833,	375 00
George Pepper, interest due on his mortgage in the disputed part of the estate,	1,575 00
Districts of Spring Garden and the Northern Liberties for putting down iron water pipes and paving,	1,453 72
The Weccacoe and Moyamensing Meadow Company for Bank assessment,	117 50
	<hr/>
	\$11,776 82

You will also find annexed to the account a schedule of the personal property that has been passed to me for the City Corporation by the Executors in the present quarter, the par value of which is \$2,088,177, and the valuation by the Executors of the same, \$2,403,235 67 and there is a large amount of personal property yet to be received. I have also to inform Councils that there is due for rents outstanding to the first January 1833, \$1808 5-100, of which \$526 64-100 belong to the disputed part of the estate. The rents due for this quarter payable on the first of April instant, is \$13,454 40-100, including \$801 40-100, due to the disputed part of the estate.

All of which is respectfully submitted by your very obedient servant,

BRITAIN COOPER,  
 Treasurer of the Girard Trust.

The annexed communication was received from John Elliott, and was referred to the Paving Committee with power to act.

To the President and Members of the Select Council.

The subscriber, proprietor of a Chemical Laboratory, on Pine and Schuylkill Fourth street, respectfully represents, That in the progress of his business, (the manufacture of Chrome Yellow and Green, Prussian Blue, &c.) a considerable quantity of waste water necessarily passes off, partially tinged with those substances, which from its unsightly appearance, excites the apprehension of the neighbours; and when a cow or other domestic animal dies in the vicinity, reports are circulated, that the water from the Laboratory had occasioned it. The object of the present communication is to request, that you will permit him to introduce

an iron pipe into the culvert, near the corner of Pine and Schuylkill Fourth street, which if granted, he will undertake to have so guarded, as to prevent any inconvenience arising from the introduction of mud, or other obstructing substances into the culvert.

Your compliance herewith will much oblige your friend, &c.

JOHN ELLIOTT.

Philadelphia, 6 mo. 13th, 1833.

The following communication was received, and was referred to the Committee on Gas.

To the Select and Common Councils.

Gentlemen,—I perceive by the newspapers, that the subject of lighting this city with Gas, has been discussed by you with much ardour.

The advantage that would accrue to the public by substituting a more brilliant for the present dim, and almost imperceptible light, and at a much cheaper rate, (the expence being less than one half of that of oil,) are well known to you.

Against the introduction of Gas it has been argued that it would destroy the fish in our rivers. That its manufacture would be attended with noxious and disagreeable effluvia—that constant explosions would necessarily take place, resulting often in serious accidents, and even in loss of life. But these objections cannot possibly be made to the introduction of the material or spirit gas, it being of a portable nature, the same as oil, and the manufacture of which is attended with no more danger than that article—and as respects the noxious smell and disagreeable effluvia of the air gas, is the very reverse of the other, the smell of which is rather agreeable than otherwise, and in my opinion, would tend to purify the air, and thereby dispel or prevent in a manner infectious disease.

It is my belief that a lamp can be constructed in which the aforesaid gas can be burned in the streets, even in the most tempestuous weather. If you conclude to introduce a more splendid light at a much cheaper rate, and will pay the expenses for having a model made, I will attend to the construction thereof, and should it succeed, you can take out a patent for the same, for which I will be willing to allow the city and county one half the profits ensuing therefrom.

The expence for having a model made will not exceed twenty dollars, and perhaps not ten.

Subjoined you have a plan, on which the aforesaid lamp is to be constructed with explanations of the different parts.

I am gentlemen, very respectfully, yours, &c.

ROBERT TEMPLE.

Mr. J. P. Wetherill presented a petition, praying that the drays and wheelbarrows may be removed from Third street above Market, which was referred to the committee on Markets.

Mr. Worrall presented the following petition, which was referred to the Paving Committee.

To the Select and Common Councils of the city of Philadelphia.

The petition of the subscribers respectfully sheweth, That the water in Locust street west of Tenth street, passes down the said Locust street to Ninth street, where it empties into the culvert in Ninth street, and that in times of heavy rain the water is so swelled as to render the corners at Ninth and Tenth streets almost impassable:—that in the winter time the gutters at the corner of Tenth and Locust streets become obstructed with ice, rendering the crossing very dangerous to carriages.

A number of alleys west of Tenth street empty into Locust street, which added to the dye stuffs from a dye-house in Locust street, form an accumulation of filth very annoying to the inhabitants between Ninth and Tenth streets.



Your petitioners are informed that there is a culvert in Tenth street, into which the waters may be carried on the west side of said street above and below Locust street, and if Councils should direct the water so to be conveyed, it would be a great relief to the petitioners and the public—and your petitioners accordingly pray you to direct the same to be done, and they will ever pray, &c.

May 30, 1833.

Mr. J. P. Wetherill presented the annexed communication from the Commissioners of Kensington District, and offered the following resolution, which was adopted.

*Kensington, June 7th, 1833.*

By the Commissioners of the Kensington District:  
Resolved, That the Committee on the introduction of the Schuylkill water, be and they are hereby directed to confer with the City Councils relative to the terms on which a supply of said water can be obtained from them.

Extracts from the Minutes.

R. HODGSON, Clerk.

*Kensington, 12th June, 1833.*

To the Honourable the Select and Common Councils of the city of Philadelphia.

Gentlemen:—The undersigned a committee of the Board of Commissioners for the District of Kensington, in the Township of the Northern Liberties, of the county of Philadelphia, would respectfully represent, That the aforesaid District and the Commissioners of the incorporated part of the Northern Liberties, are now about to close upon the terms for the use of the main sections which convey the Schuylkill water into said Districts of the Northern Liberties. Previous however to a definitive ratification of the agreement now in consideration, the undersigned deem it necessary to be informed whether or not it will be the sense of your honourable body to adopt an agreement, the memoranda of which you herewith receive, made some time since, and which was then, and now is, satisfactory to the Board, which the undersigned have the honour to represent. Very respectfully,

MAHLON DUNGAN,

Chairman of the Watering Committee.

Resolved, That the application from the Commissioners of the District of Kensington asking for a supply of Schuylkill water, be, and the same is hereby referred to the Watering Committee, who are hereby authorized and directed to enter into an agreement with the Commissioners of the same, for the purpose of supplying the said district with the Schuylkill water, to be conditioned in the same manner as the agreements entered into with the districts adjoining the city, giving and receiving a supply of the water aforesaid, and should the said Commissioners of the District of Kensington instead of attaching to the city main on Vine street, attach to the pipes of the Commissioners of the District of the Northern Liberties, that, the committee aforesaid, be, and they are hereby directed to have all the rights and privileges of the Mayor, Aldermen and citizens of the city of Philadelphia, effectually provided for and guarded through the Commissioners of the District of the Northern Liberties, and those of the District of Kensington, and the Mayor is hereby authorized and requested to affix the city seal to the same.

Mr. Neff moved that the Select Council go into a committee of the whole, relative to the compensation of the Trustees of the Girard Bank, which was not agreed to, and the Select Council non-concurred in the resolution passed by the Common Council.

Mr. J. P. Wetherill, offered the two following resolutions, which were adopted.

Resolved, That the Commissioners of the Girard Estates be instructed to take measures to contest the

charge made for commissions by the Executors of Stephen Girard, on their accounts filed in the Register's Office, which in the opinion of these Councils is excessive.

Resolved, by the Select and Common Councils, that the Clerks of Councils be requested to obtain a certified copy of the account or accounts as filed in the Register's Office by the Executors of the late Stephen Girard, and have the same printed for the use of Councils.

COMMON COUNCIL.—Mr. McMullin presented a petition from the Farmers attending the new Market, in Second street, which was referred to the Committee on Markets.

Mr. Smith presented the annexed petition which was referred to a joint committee of two members of each Council, and Messrs. Smith and Elliott were appointed the Committee on behalf of the Common Council, but the Select did not act on it.

The petition of the subscribers, builders and others, respectfully sheweth:—That they experience much difficulty in getting their lots regulated ready for building, in consequence of there being but one acting regulator in the city.

They respectfully ask of Councils to make such alterations in the existing laws relative to regulators, as will prevent any person holding that situation who is not a resident citizen of the city, ready at all times to attend at the call of the citizens.

Mr. Gilder, as Chairman of the Committee made the following report, accompanied with the following documents and resolutions, which were adopted by the Common Council, but were amended by the Select Council.

I propose to make a statue of the late Stephen Girard, at least as large as life, of the best Italian marble, to be an accurate likeness and similar to a model I have already made and exhibited, for the sum of \$9000, to be paid in three instalments, the first of \$4000 to be paid before he commences the work, the second of \$3000 to be paid eighteen months after the first payment, and the third of \$2000 to be paid when the work is finished. I will give William Strickland and John Struthers as security for the performance of the contract.

NICHOLAS GEVELOT.

June 11th, 1833.

Building Committee for the Girard College for Orphans,  
June 11, 1833.

On motion, Resolved, The proposal of Mr. N. Gevelot in relation to executing a statue of the late Stephen Girard for \$9000 be accepted, to be approved of by the Building Committee.

On motion, Resolved, The first payment be \$2000, to be paid on the execution of the contract; \$1000 to be paid on the commencement of the work in Philadelphia; \$1000 to be paid every six months, as the work progresses, for 18 months thereafter; and \$3000 on the completion of the work. The securities offered by Mr. Gevelot, were, on motion, approved of.

Resolved, The subject of the statue be referred to the sub committee to complete the contract, and report to Councils on Thursday next.

From the minutes.

JOHN GILDER, Chairman.

Attest—*John P. Binns*, Secretary.

Resolved, That the proposal of Mr. N. Gevelot in relation to making a statue of the late Stephen Girard for \$9000, be accepted. The statue to be approved of by the building committee of the Girard College.

Resolved, That a contract be made with Mr. Gevelot and his sureties, and that \$2000 be paid on signing the contract; \$1000 on the commencement of the work in Philadelphia; \$1000 at the expiration of every six months during the progress of the work, for eighteen months, and \$3000 on the completion of the work.



Resolved, That the securities offered by Mr. Gevelot are approved of.

Resolved, That the building committee of the Girard College be and they are hereby authorised to carry these resolutions into effect.

Resolved, That the Mayor is hereby authorised to draw his warrant on the City Treasury for the several instalments payable to N. Gevelot, as above.

The Common Council did not act on it.

Mr. Haines, as Chairman of the Committee to whom was referred the memorial of Mr. Frederick Graff, made the annexed report and resolution, which were laid on the table.

#### To the Select and Common Councils.

The Committee to whom was referred the memorial of Frederick Graff, asking a fair and just compensation for extraordinary services as engineer, superintendent, accountant, and draftsman of the City Water Works, for the years 1819, 1820, 1821, and 1822. And also the resolution directing them to inquire into the expediency of appointing an assistant superintendent—report, that they have had a conference with Frederick Graff on the subject referred to them, and after a careful examination of the statement submitted by him to Councils, in the said memorial, (to which they refer for all the facts in the case,) they are unanimously of the opinion that Frederick Graff has rendered the services there detailed, and for which he is justly entitled to compensation; the amount that they believe to be right and just, they submit in the resolution hereto annexed. After a full inquiry the committee believe it inexpedient at this time, to appoint an assistant superintendent, as there are no extraordinary services to perform during the present year: they respectfully recommend the adoption of the following resolution—all of which is submitted.

Resolved, by the Select and Common Councils, That the Mayor be and he is hereby directed to draw his warrant on the City Treasurer in favor of Frederick Graff, for four thousand dollars, and charge the same to appropriation No. 16.

Mr. Gilder as Chairman of the Paving Committee reported an ordinance, which was passed.

Mr. MORRIS as chairman of the committee, made the following report, which was adopted.

The committee on the navigation of the river Schuylkill, to whom was referred the letter of Thomas Mitchell, relative to a lot of ground on the south side of Lombard street, and the east side of the river Schuylkill, Report:

That in their opinion it is inexpedient for Councils to purchase the same.

Mr. GILDER as chairman of the Paving Committee reported the annexed ordinance which was laid on the table.

An ordinance to alter and establish the regulation of Delaware Sixth street, from Vine to Sassafras street, and for extending the sewer thereon.

Sect. 1. Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That the regulation of Delaware Sixth street from Vine to Sassafras street, shall be and the same is hereby fixed and established according to a plan of the same made and presented to Councils by Samuel Hains the city surveyor, dated the 12th day of June 1833, any existing regulation or Ordinance to the contrary notwithstanding.

Sect. 2. Be it further ordained and enacted by the authority aforesaid, That the City Commissioners be, and they are hereby authorized and required, (under the direction of the Paving Committee,) to cause a sewer to be constructed, not exceeding four feet diameter in the clear, commencing at the south end of the present sewer in the said Delaware Sixth street, between Vine and Sassafras streets, and extending southward to a point not exceeding feet south with suitable

openings into the same, and charge the expense thereof to Appropriation No. 4.

Mr. Lapsley, as chairman of the committee on Markets, made the following report which was adopted.

The committee who were requested by a resolution of Councils, to inquire into the expediency of purchasing a lot suitable for a Western Market, report:

That they have had the subject under consideration, and are unanimously of the opinion, that it would be not only inexpedient but quite unnecessary to incur an expense of at least thirty thousand dollars for any lot of ground when that amount might be saved by the erection of Market houses in the centre of Market street.

As appears from the number and respectability of the names to the petitions lately presented, your committee are of the opinion that the building of them in Market street would give most general satisfaction and would respectfully suggest to Councils the propriety of locating them in such part of that street west of 11th street, as would be most for the convenience of the inhabitants in the western part of the city, in such a situation as would produce a greater revenue in proportion to the cost, and might be removed at any future day without any serious loss or disadvantage. All which is submitted.

Mr. Gilder, as Chairman of the Paving Committee, made the following report and resolution, which were adopted, and were referred to the Paving Committee:

Philadelphia, June 8, 1833.

Gentlemen,—The accompanying plan will show to you the wharf which I propose to build for the city. My proposition is to build the wharf to the satisfaction of the city, and complete the same on or before the 1st day of September next, and as much earlier as possible—for doing which I ask the privilege of occupying the same for two years from the time the wharf is completed, and Water street and South street and Bank street are paved.

At the expiration of two years, to give it up to the city free from all incumbrance, and in good order.

THOMAS HAVEN.

The Paving Committee, to which was referred the proposition of Thomas Haven, report:

That Mr. Haven proposes to build a wharf under the supervision of the city authorities, at the foot of Schuylkill South street, by the 1st day of September next, the city allowing him the occupation of the same, rent free, for the space of two years, and at the expiration of that time to deliver up the same to the city, free from all incumbrances and in good order. The committee recommend to Councils the acceptance of the proposal, and offer the following resolutions, viz.

Resolved, That Mr. Thomas Haven be authorized to build a wharf at the foot of Schuylkill South street, according to the accompanying plan, he to have the use and occupation of the same, when finished, free of charge, for the space of two years, and at the expiration of which time, the said wharf shall be delivered up to the city authorities, free from all incumbrances, and in good order.

Resolved, That the City Commissioners be and are hereby authorized to pave Water street, between South and Lombard, and South street from Bank street to the wharf, on the river Schuylkill.

JOHN GILDER, Chairman.

Mr. Huston, as Chairman of the Committee, made the annexed report, which was adopted.

The committee appointed at the last meeting of Councils to make suitable arrangements for the reception of the President of the United States, report:

That they caused the Hall of Independence to be fitted up in a style suitable for the occasion: that the President arrived in the city on the afternoon of the 8th instant, and was immediately waited on by the committee, who informed him of the order taken by Councils,



and tendered to him in their name the Hall of Independence, in which to receive his fellow citizens during his continuance in the city. This offer was accepted by the President, with the expression of his grateful acknowledgments for the kind attention evinced on the occasion; and he appointed the following Monday, (the 10th instant,) at 10 A. M. to meet the city authorities in the Hall of Independence. The committee of arrangement therefore issued notices to the Mayor, Recorder, Members of Councils, Aldermen, &c. &c., who accordingly met at 9 A. M.; and between 9 and 10 o'clock, the committee, agreeably to the appointment of the President, waited upon him at his lodgings and escorted him to the Hall, where he was received by his Honor the Mayor, in a manner becoming his high station, and introduced to all the officers of the city in attendance, and of the Girard Trust under the care of the city, and afterwards to his fellow citizens generally.

Mr. Yarnall as Chairman of the Committee made the following report and resolution, which were adopted.

**To the Select and Common Councils.**

The Committee appointed to purchase wood for the necessitous poor, report:

That the annual product of the "Fund for supplying the necessitous poor with fuel," amounts to about 450 dollars, but that in consequence of over drafts which have heretofore been made upon it, the sum left to be expended this year will amount to 200 dollars only.

The proceeds of the Girard Fund will on the 1st of December next, amount to \$454 44, making an aggregate sum of \$654 44 to be applied to the purchase of fuel. The Committee have accordingly purchased 125 cords of wood at an expense as follows:

59½ cords green oak wood at 3 75 per cord	\$223 12
65½ cords do. at 4 00 do.	262 00
Cordage at 6 cents per cord,	7 50
Carting at 75 cents per cord,	93 75
Piling at 15 cents per cord,	18 60
	<hr/>
	\$605 12

It is all piled on the lot in front of the western Watch House, at the corner of Filbert and Broad streets—85 cords intended to be paid out of the proceeds of the Girard Fund are placed on the eastern side of the lot, and the remaining 40 cords to be paid for out of the "Fund for supplying the necessitous poor with Fuel" are placed in a separate pile on the western side.

The committee having thus accomplished the object of their appointment submit the accompanying resolution and request to be discharged.

Resolved, That the Mayor be requested to draw his warrant on the Treasurer of the Girard Trust in favor of B. H. Yarnall, for four hundred and nineteen dollars and 12 cents to be charged to the "Fund to purchase fuel for poor white house-keepers and room-keepers." Also his warrant on the City Treasurer in favor of the same for one hundred and eighty-six dollars to be charged to the "Fund for supplying the necessitous poor with fuel."

Mr. Gilder as chairman of the Paving Committee, made the annexed report and resolution, which were adopted.

The Paving Committee having named the following streets and alleys, recommend the same to be paved and repaved, viz.

Spruce street from 12th to 13th street to be repaved.  
Brown street running south from Cherry to Budens street to be paved.

A certain 20 feet street running from Sheaff's alley northward, to be paved.

Third street from Willing's alley to 30 feet south from the line of St. Paul's church yard, to be repaved so as to conform to the established regulation.

Resolved, That the City Commissioners be and are hereby authorized to pave and repave the said streets.

JOHN GILDER, Chairman.

On motion of Mr. J. R. Chandler, Councils adjourned to meet again on Thursday evening next, at half past 7 o'clock.

**SCHUYLKILL CANAL.**

The following statement shows the amount of the various articles transported on the Schuylkill Canal, from the opening of the navigation to the 30th June, inclusive. Every friend to our system of internal improvement, we feel assured, will be gratified with the prospect here presented, of the value of these works, and of their vital importance to the interest of Philadelphia.

**DESCENDING NAVIGATION.**

**FLOUR.**

	tons	cwt	qr
From the Union Canal,	4827	10	0
Kernsville,		36	00 0
Reading,		340	13 0
Below Reading,	1334	18	0
	<hr/>		
Equal to 68,659 barrels.	6539	01	0

**GRAIN.**

From the Union Canal,	4376	13	1
Reading,		86	18 0
Below Reading,		52	00 0
	<hr/>		
Equal to 180,622 bushels.	4515	11	1

**WHISKEY.**

From the Union Canal,	690	15	1
Kernsville,		35	13 0
Reading,		27	15 0
	<hr/>		
Equal to 6035 barrels.	754	3	1

**LUMBER.**

From the Union Canal,	6429	11	0
Mount Carbon,		452	00 0
Schuylkill Haven,		63	12 0
Kernsville,		188	18 0
	<hr/>		
	7134	1	0

**CASTINGS, BAR IRON, BLOOMS, &c.**

From the Union Canal,	944	8	0
Mount Carbon,		3	4 0
Schuylkill Haven,		2	10 0
Kernsville,		189	16 0
Reading,		354	15 1
Below Reading,		176	0 0
	<hr/>		
	1670	13	1

**LEATHER.**

From the Union Canal,	93	7	1
Reading		1	19 1
	<hr/>		
	95	6	2

**COAL.**

From the Union Canal,	551	13	0
Schuylkill Haven,	25,898	0	0
Mount Carbon,	54,113	0	0
Kernsville,	12,002	0	0
	<hr/>		
	92,564	13	0

**SUNDRIES.**

From the Union Canal,	109	8	0
Mount Carbon,		62	8 3
Kernsville,		2	5 0
Reading,		8	17 2
Below Reading		3	10 0
	<hr/>		
	186	9	1



Butter, from Union Canal,	167	0	0
Nails, from below Reading,	640	9	1
Lime, from Reading,	110	0	0
Lime, from Union Canal,	44	0	0
Do. from below Reading,	18,980	0	0
Stone, do. do.	871	0	0
Marble do. do.	71	0	0
Wood, do. do.	137	0	0

## ASCENDING.

## FISH.

To Union Canal,	1174	10	3
Mount Carbon,	73	5	3
places above Reading,	57	3	3
Reading,	29	13	3
below Reading,	13	17	3

1348 11 3

Equal to 10,114 barrels.

## SALT.

To Union Canal,	931	9	3
Mount Carbon,	50	2	0
above Reading,	59	19	3
Reading,	11	18	0
below Reading,	2	6	2

1055 16 0

## PLAISTER.

To Union Canal,	3378	9	0
Mount Carbon,	43	0	0
above Reading,	148	1	3
Reading,	32	0	0
below Reading,	535	19	0

4137 9 3

## IRON.

To Union Canal,	1173	7	0
Mount Carbon,	135	14	0
above Reading,	176	1	2
Reading,	72	0	0
below Reading,	75	2	1
Between Philadelphia and Reading,	25	4	0
From Reading upwards,	176	4	2

1833 13 1

## MERCHANDISE AND SUNDRIES.

To Union Canal,	4987	7	2
Mount Carbon,	104	7	1
above Reading,	350	11	1
Reading,	184	18	1
below Reading,	291	11	2
From Reading upwards,	63	4	1
Between Philadelphia and Reading,	18	5	0

6000 5 0

## LUMBER.

To places above Reading,	140	15	0
places below Reading,	450	0	2

590 15 2

## GRAIN.

To places above Reading,	21	2	2
From Reading upwards,	41	12	3

62 14 5

## FLOUR.

From Reading upwards,	20	18	0
To places above Reading,	14	12	0

35 10 0

## IRON ORE.

From Reading upwards,	806	0	0
Between Philadelphia and Reading,	420	0	0

1226 0 0

## LIMESTONE.

From Reading upwards,	122	0	0
Between Philadelphia and Reading,	2457	0	0

2579 0 0

Porter, to Mount Carbon,	67	8	1
Ale, to Union Canal,	2	12	1
Whiskey, from Reading,	0	10	0
Nails, from places between Philadelphia and			

Reading,	11	9	0
Bricks, from Reading,	142	13	0
Marble, below Reading,	24	10	0
Sandstone, below Reading,	121	0	0

*Commercial Herald.*

## SCHUYLKILL COAL TRADE.

Despatched last week from Pottsville and Schuylkill			
Haven,	126	boats carrying	5,495 tons
Former report,	1892		79,003
Little Schuylkill,	298		12,046
	2316		96,544

## TAMAQUA.

We took a ramble for two or three days of last week among the hills and forests of Schuylkill county. We embarked on a rail road car at Port Clinton and winged our way to the thriving village of Tamaqua, the principal seat of the coal operations of the little Schuylkill Company. The rail-road ascends at the average rate of twenty feet to the mile and one who leaves Port Clinton for Tamaqua will find himself at the latter place four hundred feet higher than at starting, without having been sensible for an instant of any elevation in the road by which he came. The rail-road is the best we have seen, and so nearly level that the horse which drags the car, goes up it at the rate of ten miles an hour. From the winding course of the river it was found necessary in the construction of the rail-road to cross it several times, which is done on covered bridges, erected by the Company. Those who delight in mountain scenery will be fully gratified in a ride up this rail-road which runs its whole distance by the side or in the neighborhood of hills, lifting their wood-crowned summit above the clouds. Tamaqua is situated in a dell between the Sharp and Locust mountains, where scarcely ground enough was found for sites for houses and gardens by scraping away the rocks that encumbered it. It flourishes however like a rose in the desert, having already about a hundred houses and four or five hundred inhabitants. The river flows by at the distance of about fifty yards and hides its diminished head some miles above. We were gratified by seeing the locomotive in operation and a magnificent spectacle it was, winding along the foot of the hills and dragging after it a long train of heavily laden cars with the ease and equable motion with which a boat carries its burden over the surface of an unruffled stream. The Company have two engines, the Comet and Catawissa, each capable of dragging forty five tons of coal in fifteen cars and of making two trips a day between the mines and the place of deposit. We left Tamaqua much pleased with the appearance of business and prosperity observable in and about the town, and travelled across the country by means of stages and the Valley rail-road car to Pottsville—Pottsville is a theme of itself for a tourist to write a book upon, but as most of our readers have visited and admired it for themselves, we deem it unnecessary to dilate upon its beauties or its wonders.—*Berks Journal.*

The property of No. 164 Market, between Fourth and Fifth streets, was sold a few days since for \$25,000, the building on it is "being taken" down. The size of the lot is 13 feet front by 83 feet deep.



## CAMDEN AND AMBOY RAIL-ROAD.

At the meeting of the directors of the company at Bordentown, on Monday the 17th inst. a new locomotive engine, constructed by R. L. Stevens, Esq. was exhibited, and a trial made of its speed and power, as well as of the adaptedness of the road to this mode of transportation. The engine is the third one on the road, and is the lightest, and is manifestly an important improvement on the English engine heretofore used with very satisfactory results.

The experiment in the present case was entirely successful, and surpassed the expectations of those present. The engine, with a train of cars, passed from Bordentown to Hightstown (more than 13 miles) in 36 minutes, and returned in 31; being at the rate of 25 miles per hour, and it was obviously not at full speed. It was obvious also, that there was no diminution of speed at the curves, and among the greatest curves on the whole road, are those on this section of it; and the greatest curve on any part of the road has been passed at a rate exceeding 40 miles an hour. The highly important device by which this is accomplished, is a recent invention by Mr. Stevens, as well as another, by which the capacity of the boiler to generate steam is greatly increased, probably doubled. These two properties are fully exhibited in this engine, the motion being unimpeded by any curvatures on the road, and a surplus quantity of steam during the whole experiment being thrown off. The partial use of anthracite during this trial, induces a confident hope that this fuel may be applied entirely on the locomotives on the road.

Six or seven engines, in addition to the three now on the road, will soon be in readiness, when horse power will be dispensed with, and the trip between New York and Philadelphia may be accomplished in six or seven hours.

The "Camden and Amboy Rail-road and Transportation and the Delaware and Raritan Canal Companies," paid to the Treasurer of the State of New Jersey, on Thursday last, the sum of 15,000, for the first six months running passengers, &c. via said Rail-road, being the half yearly payment of the \$30,000, stipulated by said companies to be paid to the State of New Jersey, for privileges granted.

We understand that a contract has been entered into by the operators of the Marble quarry of JOHN R. THOMAS of the Valley, to furnish two hundred thousand feet of Marble for the Girard College. The Pennsylvania Rail-road, when completed will give value to many productions of the country which without it, might have lain dormant for centuries. We state as a fact deserving of notice, and with the hope that it may be useful to those who have Limestone or other quarries or mines, which they have either abandoned, or wrought with difficulty, from the quantity of water which impeded their progress; that a SYPHON has been constructed and introduced into the quarry, which conveys the water off by a constant stream, permitting and facilitating the operations of the workmen.—*Village Record.*

LEBANON, June 29, 1833.

To the Editor of the Germantown Telegraph.

Dear Sir,—Having read in your paper the account of the great rains and flood, which occurred on the 20th and 21st instant, in your part of the country, which raised the Wissahiccon and other streams higher than they had been known for many years, and caused great damage to milldams, bridges, &c. in various parts of the eastern section of our state—I will give you a slight history of the freshest in this quarter.

It rained gradually nearly all day on Thursday, (20th inst.) until towards evening, when it commenced pouring down, and rained very hard for two or three hours, in which short space of time nearly three inches fell; the whole amount of rain in the course of the day and

part of the evening, was nearly three and a half inches, by far the greatest amount that has fallen in so short a time, in this neighborhood, perhaps, for many years.

It raised the Swatara and other considerable streams, higher than they had been known for a long while. The Swatara was entirely over the top of the tow-path of the Union Canal, in several places, between the water works and Middletown, a circumstance that never occurred before, as this stream has not been so high since this canal was completed. It occasioned several breaches in the banks along the tow-path, and also did some injury to one or two of the locks, which interrupted the navigation for a few days. The canal was soon put in order again, and the boats are now running as usual, although several of the breaks were serious, and the damage done between here and Reading was considerable. It is now in good condition throughout.

Respectfully yours, &c.

L.

## BRIGADIER GENERAL.

Official Return of an election for Brigadier General, 1st Brigade, 1st Division, P. M., held June 24th, 1833.

		<i>A. M. Prevost.</i>	<i>P. Fritz.</i>
9th Reg.	1st Battal.	134	23
	2d "	206	91
19th "	1st "	48	21
	2d "	57	27
72d "	1st "	154	33
	2d "	112	44
74th "	1st "	93	103
	2d "	85	435
81st "	1st "	165	53
	2d "	135	112
96th "	1st "	100	66
	2d "	134	78
102d "	Volunteers,	98	36
108th "	"	132	21
128th "	"	170	153
1st "	Artillery,	265	31
		2097	1327

I do certify that the above report is correct.

(Signed,)

DANIEL SHARP,  
Brigade Inspector.

Brigade Inspector's Office, }  
Philada. July 6th, 1833. }

George Boyer, Esq. of West Whiteland, has left with us two specimens of marble for the inspection of the public. His quarries are within a few rods of the Pennsylvania Rail-way. The marble can be easily removed from the quarries, and is considered by judges to be of a superior kind. Those in the city who trade in that material, would find it to their interest to visit Mr. Boyer, and we have no doubt arrangements could be made with him, to deliver marble in the city, cheaper, when the Rail-way is finished, than it can be had from any other place in the union, and equally as good.

A LARGE CARGO.—Mr. William P. Orrick's fine large boat Alabama, built by Joseph Morton of Kensington, and commanded by Captain Anderson, descended the Schuylkill Canal from Reading with a cargo of 501 barrels of Flour, which she brought safely round into the Delaware, and this day delivered it (in good order) to Mr. Paschal Hollingsworth on Spruce street wharf.

This is the largest cargo of Flour that has ever descended the Schuylkill Canal from that place.

The Crawford Messenger says "the wife of Mr. Chester Beard, of Rockdale township, is lying dangerously ill. Near a year since she was picking her ear with a pin (a very common practice among females) the head of which coming off lodged in her ear, and all attempts to extract it proved unavailing, and it is supposed that this will soon be the cause of her death."



## DICKINSON COLLEGE.

In pursuance of previous notice, and an arrangement made with a committee of the Baltimore annual conference of the Methodist Episcopal Church, in which the Philadelphia Annual Conference subsequently united, the board of Trustees of Dickinson College met at the College chapel, on the sixth of June, A. D., 1833, to carry into effect the said arrangement; by which Dickinson College was to be placed under the patronage and superintendence of the Baltimore and Philadelphia Conferences. This arrangement was effected by the resignation of the following trustees, viz: Andrew Carothers, Esq. President, and the Rev. John V. E. Thorn, Frederick Watts, Esq. the Rev. George Duffield, Jacob Hendel, Charles B. Penrose, Isaac B. Parker, George Metzger, Esq. Dr. John Creight, the Rev. John S. Ebaugh, the Rev. Robert Cathcart, Commodore Jesse D. Elliott, Dr. Wm. C. Chambers, Sam. Alexander, George A. Lyon, James Hamilton, and Gabriel Heister, Esq. and the election of the Rev. John Emery, D. D. Bishop of the Methodist Episcopal Church, the Hon. John M'Lean, Justice of the Supreme Court of the United States, the Rev. Stephen G. Rozel, of Baltimore, Maryland, the Rev. Joseph Lybrand, of Wilmington, Delaware, the Rev. Alfred Griffith, of Baltimore, Maryland, the Rev. Samuel Harvey, of Germantown, Pennsylvania, the Rev. Job Guest, of Carlisle, Pennsylvania, Mr. Henry Antes, of Harrisburg, Pennsylvania, Dr. Theodore Myers, of Carlisle, Pennsylvania, Dr. John M. Keagy, of Philadelphia, Dr. Samuel Baker, of Baltimore, Maryland, John Davis, Esq. of Harrisburg, Pennsylvania, John Phillips, Esq. of Carlisle, Pennsylvania, Dr. Mathew Anderson, of Philadelphia, Pennsylvania, Dr. Ira Day, of Mechanicsburg, Pennsylvania, Mr. Richard Benson, of Philadelphia, Pennsylvania, Dr. Thomas Sewell, of Washington City, District of Columbia, Mr. Henry Hicks, of Delaware, George W. Nabb, Esq. of Baltimore, Maryland, Dr. Samuel H. Higgins, of Wilmington, Delaware, Charles A. Warfield, of Williamsport, Maryland, Dr. James Roberts, of Harrisburg, Pennsylvania, James Dunlop, Esq. of Chambersburg, Pennsylvania, Benjamin Matthias, of Philadelphia, Pennsylvania, Charles M'Clure, of Carlisle, Pennsylvania, Samuel E. Parker, of Philadelphia, Pennsylvania, William M. Biddle, Esq. of Carlisle, Pennsylvania, Thomas A. Budd, Esq. of Philadelphia, Pennsylvania, Dr. Thomas E. Bond, of Baltimore Maryland, James Longacre, of Philadelphia, Pennsylvania, Col. John Berry, of Baltimore, Maryland: of these gentlemen, the following appeared, were qualified, and took their seats as members of the board, to wit: Bishop Emory, who was elected President of the board, and Messrs. Rozel, Lybrand, Griffith, Harvey, Guest, Antis, Myers, Keagy, Baker, Davis, Phillips, Anderson, Day, Benson, Sewell, Nabb, Higgins, Warfield, Roberts, Dunlop, Matthias, M'Clure, Parker, Biddle, and Budd.

The following resolutions were unanimously adopted by the Board.

Resolved, That a vote of thanks be presented to the late Board of Trustees of Dickinson College, for their noble and Philanthropic efforts in the cause of Education, especially manifested in the arrangements to re-establish the institution and perpetuate its usefulness.

Resolved, That entertaining as we do the fullest confidence in their intelligence, integrity and candour, their best wishes for the future prosperity of the institution over which they have watched for years, this Board deem it a privilege to avail themselves of the counsel of their predecessors in office, and hope still to enjoy their friendly influence in carrying forward the great objects of Education.

Resolved, That the thanks of this Board be presented to the citizens of Carlisle, for their kind and liberal accommodation of ourselves, and our friends, during the present session.

Resolved, That deeply sensible of the importance

that a spirit of mutual friendship and co-operation should exist between the citizens of this borough, and the Board, and the officers of the College, in order to the full success of the great enterprise upon which we have entered, we cannot but hail with pleasure the deep interest the citizens manifest in the speedy restoration of the College, as an indication of the necessity there is for such an institution, as well as an assurance that it will receive their protection and patronage.

The board elected, by a unanimous vote, the Rev. John P. Durbin, A. M. of the city of New York, Principal of Dickinson College.

The board also founded a professorship of law, and unanimously elected the Hon. John Reed, President Judge of the 9th Judicial District of the Commonwealth of Pennsylvania, Professor of Law of Dickinson College. They passed a resolution, raising a committee to make immediate arrangements to establish a preparatory school, and took measures for the re-opening of the College, with as little delay, as the nature of the necessary preliminary arrangements for the successful reorganization of the institution will require.

CHARLES B. PENROSE,  
Secretary of the Board.

June 11th, 1833.

**DREADFUL TORNADO.**—A letter before us, dated Little Britain Township, Lancaster county, 3d, June, contains the following paragraph:—"After three weeks of almost incessant rain, we have been visited with the most destructive hurricane ever witnessed in this neighborhood. It commenced yesterday afternoon, near the Susquehanna river in this township, accompanied with an unusually heavy rain, and passing eastwardly. It was about half a mile in width, and levelled in its course, dwelling houses, farms, orchards, fences, &c. Ten barns and five dwelling houses have been thrown down in its course through this township. Many orchards have been entirely destroyed. I am happy to state, that so far as I have heard, no lives are lost, though several persons have been seriously injured. I am not acquainted with the complete extent of its ravages beyond this township; but so far as I have heard, it has been alike destructive to all."

## DIVIDENDS FOR THE LAST SIX MONTHS.

Pennsylvania Co. for insurance of lives,	3 per cent.
United States Bank,	3½ do
North America,	3 do
Marine Insurance Company,	5 do
Union Insurance Company,	4 do
Lehigh Coal Company,	3 do
Schuylkill, Permanent Bridge,	40 cents per share.

The quantity of rain which fell during the last month was 5 28 inches.

Pennsylvania Hospital, 7 mo. 1st. 1833.

*Mr. Craig*,—It is with heartfelt satisfaction that I am enabled to state to the public that there is not now one person in confinement in the Jail for debt.

A. MONTGOMERY, Jailor.

Pittsburgh, June 27, 1833.

WEST CHESTER, July 1, 1833.

A Physician having the most extensive practice of any other, in the place, stated in the hearing of the writer, that there was not an individual, old or young, in the Borough, that required his attendance this day; this is an occurrence that has not happened to him for several years and rarely exists where there is a population of 15 hundred.

## NOTICE.

The 4th July last week, and the printing of the Index this week, has delayed the delivering of the Register, beyond the usual time to some of our Subscribers. Hereafter we trust they will receive it more seasonably.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 3.

PHILADELPHIA, JULY 20, 1833.

NO. 290.

## THE WYOMING MASSACRE MONUMENT.

KINGSTON, *Luzerne county, Penn.* July 10.

The ceremony of laying the corner stone of a Monument to the memory of those who fell in the Massacre on the 3d day of July, 1778, was performed on Wednesday last, the anniversary of the day on which that melancholy event occurred. The scene was interesting and solemn. It was unlike the ordinary laying of a corner stone of a monument, where meditation upon some patriotic event alone inspired feeling. The bones of those who were massacred in an attempt to defend their country, and their families, and to whose memory a monument is to be erected, had been dug from the earth, and were exhibited to the assembled multitude. To look upon a great number of skulls, and other human bones, some bearing the marks of the tomahawk and scalping knife, and others, perforated with balls, awakened a sense of the sufferings of those Wyoming Heroes, and led the mind to reflect upon the cause in which they lost their lives. Casting the eye over the fertile Valley, viewing the luxuriant fields, the many fine habitations, and other indications of prosperity, happiness and plenty, and then looking upon the huge mass of the bones of those who fell, in attempting to defend it, was too much to meditate upon without feeling the most solemn emotions. Nor did this alone make the scene solemnly interesting. There were present several aged veterans who were in the battle—and several who 55 years before had assisted in gathering and burying the bodies, the remains of which were now before them. There were present several whose fathers were slain, and whose bones were in the mass—and a number of others who had lost brothers or other connections, and whose remains they were permitted to look upon, after they had lain beneath the sod more than half a century. There were present many who, in looking upon a bone, knew not but the eye was resting upon the naked fragment of a parent, a brother, or some other connection. Truly the scene was solemn and interesting beyond description.

About 12 o'clock the Volunteer Battalion formed in line and marched some distance below the site of the monument, where a large box of bones had been arranged for the procession. Here a line was formed in the following order:

- 1st. The Battalion.
- 2d. The Citizens.
- 3d. The Clergy.
- 4th. The Orator and those who officiated in laying the corner stone, &c.
- 5th. The Carriers.
- 6th. The Box and Pall Bearers.
- 7th. The descendants and connexions.

The line marched under American colors, and with solemn martial music. On reaching the site for the monument, the Battalion formed on the east of the grave, and the citizens on the west.

After prayer by the Rev. Samuel Carver, Chester Butler, Esq. who had been selected as Orator, delivered a very excellent address. The ceremony of laying the Corner Stone was performed by Mr. Elisha Blackman, an aged veteran who was in the battle. A box was deposited in the stone, containing,

A History of the early settlement of the Valley, and an account of the Battle. A list of as many of the names of those who fell in the battle as could be obtained. A copy of the official account of the battle transmitted at the time by Col. Zebulon Butler to the Secretary of War. A copy of the Address delivered by Chester Butler, Esq. The Muster Roll of a company commanded by Captain Samuel Ranson, made out in September 1777. A copy of the Address delivered by the Rev. Mr. May, at the celebration of the event, July 3d, 1832—and a copy of the remarks then made by the Rev. Mr. Murray.\* One piece of each denomination of United States coin. A copy of the President's Proclamation. And a copy of each of the papers published in Luzerne county.

The ceremony of depositing the box was performed by Mr. S. Carey, another aged veteran who was in the battle. He was assisted by Judge Scott, who had been selected for that purpose, and who delivered a short and interesting extemporaneous address. Mr. Carey then spoke a short time, during which he evinced much feeling, and a greater degree of satisfaction with the proceedings of the day. The bones were then placed in the grave, in the foundation prepared for the Monument. During the time occupied in depositing these, the Battalion fired three rounds. After prayer by the Rev. John Dorrance, the assemblage dispersed in good order.

Never, we presume, was there so large a multitude collected together in this county. The number of those present was estimated at from two to three thousand.—*Wyoming Republican.*

The ceremony of laying the corner stone of the Wyoming Monument was performed on the 3d instant, that being the 55th anniversary of the Wyoming Massacre. The remains of those heroes who fell in defence of American liberty, were found scattered over Abraham's Plains, in various directions, from near Wintermoot to Forty Fort, and collected together by the survivors, some two months after the day of battle, and deposited in a large pit, serving as one common grave, over which many a widow wept, and many relatives shed tears of grief.† Most of the few survivors of that eventful day, yet residents of the valley, were present on the occasion. Of those who were in the battle, we noticed Elisha Blackman, Rufus Bennett, Samuel Carey, and George P. Ransom. (There may have been others whose names we did not learn.) The Address, delivered by Chester Butler, Esq. was appropriate, and well suited to the occasion, and is deservedly spoken of in high terms of commendation. At the close of the Oration, Judge Scott addressed the assembled multitude, in his usual clear, lucid, and impressive manner. After which the ceremony of laying the corner stone, and depositing the memorials selected for the purpose, was performed by the few survivors present on the occasion, preceded by a few appropriate remarks by one of their number.—*Herald.*

\* See Reg. Vol. IX. p. 352.

† See Reg. Vol. X. pp. 13, 39, 52.



## ADDRESS BY CHESTER BUTLER, ESQ.

Pronounced on the occasion of laying the Corner Stone of the Wyoming Monument, July 3d, 1833.

*Fellow Citizens*,—The committee who superintend the arrangement of the day have paid me the unexpected compliment of assigning me a part in its interesting ceremonies, by requesting from me a few brief remarks, before those ceremonies shall be closed. Brief and imperfect indeed they must be, and I must be indulged with the apology, that adequate time has not been allowed me to do justice to the subject or the occasion, or fulfil the just expectations of this numerous assemblage. Every feeling of my heart is embarked in the cause, and gladly would I have devoted weeks, instead of hours, in preparation for the task.

The subject is ample in materials, and replete with reflection. Melancholy, it is true, in its details, is the story of Wyoming's massacre; but there is much in it upon which we can dwell with feelings of pride and exultation, while we mingle the tears of sorrow and regret with the mouldering dust of the sufferers. Who that now hears me, connected though he be but by the most distant ties of relationship with those brave men who so nobly fought and suffered on that fatal day, whose disasters have been the means of bringing us together at this distant period, that does not feel elated with the thought of such connection. Nay more, the sentiment takes a wider range, and reaches the heart of every inhabitant of our now happy valley. Though the struggle in which they bled and died was unsuccessful, there is nothing in it for us to regret, but its issue, and the consequences of misery which it entailed upon the survivors, for whose defence and protection they so bravely fought and fell. They could not command success, but where all was done that could be done to deserve it, no dishonor followed defeat.

The occasion, too, of our assembling is one of deep and abiding interest, and which calls forth the feelings of every sympathetic heart. It is to gaze on these mute mementos of violence and slaughter, to witness the reinterment of these mutilated bones of our ancestors, while we perform the grateful duty of laying the corner stone of a monument to be erected by their descendants and others, possessors of the bloodstained soil, won and secured by their perseverance and their valor. Not undeserved is this tribute to their memory, whether we regard them as martyrs or as men. The hardy pioneers of this valley were a race of men who in simplicity of character and habits,—in sternness of purpose and steadiness of execution—in courage,—in virtue,—in intelligence, and in strong attachment to the true principles of freedom, were seldom equalled and never surpassed. Wyoming was not peopled by the vices or the follies of the old world, nor were her inhabitants driven by their crimes, or their misfortunes, from the "busy haunts of men," to seek in the obscurity of this once remote and distant frontier settlement, that security and seclusion which were denied them among the population of the Atlantic border. Such, I am proud to say, were not the causes or the motives which peopled our favorite valley. These are to be traced in that manly independence of character, which relies upon its resources for the accumulation of wealth, or the acquisition of the luxuries or comforts of life, and which is content with securing even its necessities, if done with unaided arm; in that contempt of danger which regards not any hazard in the accomplishment of a laudable and virtuous enterprise; in that patient courage and hardy perseverance which is deterred by no obstacles however great, and which is delayed by no considerations of personal risk; and above all in that genuine spirit of freedom, and ardent love of rational liberty, which seems to be the natural growth of every American bosom, and which carry with them the conviction that a freeman's every thought, word and act, ought to be free as the air he breathes, controlled only by reason, and those wholesome restrictions which render the ex-

ercise of freedom an enjoyment. Motives and characteristics like these, first sent our forefathers into these remote abodes of the lone and wandering Indian.

Unlike many who first invaded the secluded retreats of the natives of the forest, it was by honorable purchase, and not by force or fraud that our ancestors sought to possess themselves of the country. Unwilling to endure oppression themselves, they could not practice it against others. Planted here with principles like these, and which rendered them unfit subjects for despotic rule, they found no difficulty in governing themselves. The form of government which they adopted was purely democratic. They excelled even the boasted republics of the ancients in primitive simplicity and freedom. The people governed themselves, not by representation, or by delegated power, but collectively, in their primary assemblies, where the vote of the majority was decisive of all questions at issue. So solicitous were they to preserve their original purity, and so efficient were the means adopted to prevent the inroads of corruption and vice, that they were seldom disturbed by its incursions. At least one instance, however, is found on record, where it became necessary, by a public vote of the assembled people, to banish an individual from the settlement, because he was, in the simple but expressive language of the record, "an unwholesome member of the community." Of such men, nurtured in such a school, was that heroic and devoted band, the memory of whose martyrdom we have met to cherish and perpetuate.

The faithful sketch of the incidents of the battle of July 3d, 1778, and of the preceding and subsequent events, which was delivered in your hearing on the last anniversary of this day, will render any attempt of mine to repeat the tale, wholly uninteresting and unnecessary.\* The story of Wyoming's virtues, of her patriotism and her wrongs, has been beautifully told, not only in the inspired breathings of the poet, but also in the graver relations of history and tradition, and is now familiar to all as "household words."

On this occasion we can take only a rapid glance at these events, and the catastrophe which made so many mothers, widows—so many children, fatherless. Should enquiry be made into the causes which led to the destruction of this flourishing settlement, they will be found in the patriotism of the people. It is known that no just cause of enmity against Wyoming existed in the breasts of the Indians, exciting their passions and goading them on to the direful excursion. However much they may desired to repossess themselves of this beautiful and favorite spot, they had no peculiar feelings of hostility to gratify—no burnings of revenge to be quenched only in blood. We must look to those of our own race for the origin of her misfortunes. To the eternal dishonor and disgrace of Great Britain, to guilt of exciting the natural thirst of the savage for blood—of inflaming his hellish passions, and turning his ferocious arm against her American brethren, must ever remain a foul and ineffaceable blot upon her escutcheon. It will cleave to her like the fatal disgusting plague spot, till the hour of her dissolution. When the agents of her oppressions learned, that the Patriots of Wyoming were also deeply imbued with the sentiments and the spirit which then pervaded the whole land,—and that they had sent forth their youth and strength to fight the battles of liberty in the armies of their country, and had left few besides the patriarchs of the land to guard their homes and firesides, then was her destruction resolved on. And terrible was the execution of that resolve. Apt and willing instruments of massacre and devastation were at hand, and they unscrupulously were employed. The cruel and relentless savage, whose natural element is blood and carnage, was let loose, and in the ridiculous but ferocious language used on another occasion, by General Burgoyne, they were exhorted to

\* See Reg. Vol. X. p. 39.



"go forth in the might of their valor and their cause—strike at the common enemies of Great Britain and America, disturbers of public order, peace and happiness—parricides of the state." So inveterate was the determination of her foes, to strangle young liberty in her cradle, that they hesitated not at the means by which it was to be accomplished, and regarded not the misery which they caused. Truly, indeed, was it said of transatlantic liberty, that

"Her birth star was the light of burning plains,  
Her baptism is the blood that flows  
From kindred hearts."

Had Wyoming proved recreant to the sacred cause, had she pursued the even tenor of her way, and regardless of the event, refrained from taking part in the glorious contest, (which the remoteness of her location might in some measure have excused,) she would have escaped the ravages of war. Safe and unscathed, indeed, but it would have been an inglorious safety. Her fields would not have been burning plains—the blood of her sons would have continued its sluggish course in ignoble veins, and her name have been, not only unhonored and unsung, but a term of reproach and scorn. Then would we have had cause to mourn as those who have no solace in their sorrows. But shame would have burned the cheek, and blistered would have been the tongue of him who should have counselled such a course. True, the base adherent of the British cause would occasionally be found among them, vainly whispering his ignominious proposals of loyalty and duty, mingled with promises of protection and threats of vengeance. But no son or daughter of Wyoming could be tempted to purchase safety, or to avert the threatened vengeance, fiery and rapid as it proved, by such tame submission. And I know that I speak but the feelings of these aged veterans, the brave associates in arms of those whose bones are now exposed before us, marked and mutilated by the instruments of savage warfare, when I say, that, could the choice now be offered them, between the perils they have passed, and the exemption from them which they could have purchased at the expense of honor, cheerfully would they again gird themselves for the contest, and act over the trying scenes of their youth. Again would they "follow to the field some warlike chief,"—again endure the dangers of the battle,—the mortification of defeat,—the perils of the retreat,—the sufferings of the flight, and the subsequent return to their once happy homes, made desolate and waste. Again would they perform the heart-rending duty of gathering together from the field of battle, and committing to this common grave, the mouldering remains of their slaughtered friends.

Tradition and history have handed down to us in vivid colors, the events of the day we commemorate, but they must ever fail to make us realize the truth. We look abroad upon the cultivated fields and fertile plains, loaded with the products of peaceful agriculture and think not of the forests which once covered them, furnishing a secure retreat for the lurking savage. We gaze upon and admire the green hills which surround us, and forget that their sleeping echoes were ever awakened by the starting yell of the un nurtured Indian. We tread in the very footsteps of the combatants, without remembering the death struggle which crimsoned the ground with the life blood of our fathers, and we till the soil ignorant that their ashes rest beneath. We now see nothing but the quiet pursuits of happy husbandry, and the avocations of civilized industry. Peace is indeed in all our borders, and our citizens each sitting under his own vine and figtree, with none to molest or make him afraid. But could I roll back the scroll of time, or tear from its pages the records of the last fifty five years,—could I carry you back to that eventful day of strife and blood, which we commemorate, and placing you upon yonder hill, bid you raise your eyes to the view, how different would be the prospect. The scene

of horror disclosed to your aching sight would harrow up your souls, and move every heart to rage and indignation. You behold the same sun which now rolls over our heads rising in beauty and splendor above the summit of the eastern hill. Casting your eyes to the left you discover the assembled host of British, Indian, and Tory enemies already beginning the work of devastation. On your right you discern that little Fort which now encloses the strength and hope of the valley. The gates are thrown open, and you see the devoted band march forth to the doubtful conflict, not with all the pride and pomp and circumstance of war," but without any of the imposing trappings of military display, yet with as firm a tread as ever stepped to exhilarating terms of martial music, and with hearts as true as ever "breasted them to the shock" of battle. No mercenary motive urges them on;—no hireling soldier is found in their ranks fighting the battle of conquest or oppression. Cast your eyes again upon the scene, and you see them rush with ardor to the onset, and, sending the swift messengers of death into the ranks of the foe, maintain for a time the unequal contest with a courage and steadiness worthy their character and their cause.

Wide raged the battle on the plain,  
Spears shook, and falchions flashed amain.

But here let us pause, for who will attempt to portray the fatal issue of the fight! It would require an angel's voice and an angel's tongue to adequately tell the tragic conclusion. I might perhaps revive in the minds of these few venerable survivors, who have been so long preserved and handed down to us as honored relics of that dread day, pleased but melancholy witnesses of these solemn ceremonies, a recollection of those events,—of their own hair-breadth escape and of what they saw of the struggle and death of their associates. I might point them to these mutilated bones of slaughtered friends, once instinct with life, and animated with a like spirit with themselves, and remind them, that perhaps that broken limb belonged to him they passed.

"In the lost battle borne down by the flying"

vainly calling for that aid which none could render:—that the fatal blow which bore to the earth that crushed skull, rang its death knell in their ears, the unheeded prayers for mercy cut short by the swift descending stroke. But I forbear. Let us draw a veil over the scene, and call back our thoughts to the more pleasing duties for which we are here assembled.

We have now laid the foundation of a structure which shall evince to future ages the grateful sense we entertain of our obligations to the patriotic dead, and the admiration we feel for their character and principles. Too long have they slept in an unhonored grave. But when we again commit their lifeless remains to the bosom of this monument, we know that such cause of reproach will forever be removed. This work of gratitude is destined, in the language of the eloquent Webster, to "rise till it meet the sun in his coming; till the earliest light of morning shall gild it, and the parting day linger and play upon its summit," and as it meets the eye of present and future generations, all from lisping infancy to withered age shall greet it with the song of

Hail! all hail! the Patriot's grave;  
Valor's memorable bed,  
Hail the memory of the brave!  
Hail the memory of the dead!

Time their triumph shall proclaim,  
And their rich reward be this:  
Immortality of fame,  
Immortality of bliss.

But we rear this memorial not alone to perpetuate the remembrance of the bloody events which transpired upon this spot, or of the achievements of those who repose beneath. Their fame has found in the classic page of history and of poetry, a monument more lasting than



brass, more durable than marble. This shall be the shrine to which children yet unborn will be led, while they learn from maternal lips the first lesson of patriotism, and upon which fathers will dedicate their sons, while they exhort them to go, and emulate the virtues it commemorates.

To us, too, the events this day thus brought to our own minds, and the recollection of the sufferings and sacrifices it cost to secure for us the blessings of civil and religious freedom we now enjoy, may furnish food for salutary reflection. To-morrow's dawn will bring with it another anniversary of our national independence. It finds us in its approach still a united and free people; but in view of the dissensions and jealousies which have sprung up among us, and the political heresies which have been promulgated to further the ambitious schemes of "bad designing men," the melancholy doubt of the permanency of our free institutions will obtrude itself upon the mind. Thanks to the intelligence, energy, and prudence of our rulers, the budding treason has been nipped, though it is to be feared its vitality is not destroyed. It never should be forgotten that our fathers planted the Tree of Liberty and watered it with their blood. That they fenced it round with the strong wall of the Union, upon which was inscribed "Union and Liberty,—one and inseparable,—now and forever." Safe and untouched by hostile hands, the tree still flourishes, and yet unbroken is the wall which protects it. And shall our father's sons be permitted to break down the wall of safety, put forth a sacrilegious hand to the Tree, pluck its foliage, and lop its branches, till it shall stand a lifeless trunk, shorn of its "leafy honors," a monument of our folly and degeneracy? Heaven forbid! God grant that we may never be called to meet our brothers in mortal combat—but rather than see the Tree stripped of a single leaf, or one stone placed for its protection removed, here let us vow, here on the altar consecrated by the blood of martyrs—and with their bleached bones at our feet, while their pleased spirits are hovering above us ready to carry the grateful vow to Heaven's registry, here let us swear to offer up our fortunes and our lives a willing sacrifice for its defence. Let us annually renew the vow, and entail its obligations as a sacred duty upon our children. Future generations will read the pledge, and while time shall last, this monument shall remain proclaiming our adherence to the principles, our admiration of the character, and our respect to the memory of the honored dead to whom "a day—an hour of virtuous liberty, was worth a whole eternity of bondage."

From the Commercial Herald.

## SKETCHES OF PENNSYLVANIA.

No. 1.

### *Rail Roads—Canals—Scenery, &c.*

In a former paper, we attempted to furnish our readers with a general outline of the Pennsylvania system of Internal Improvement, and to demonstrate how favourably it must operate upon the commerce and prosperity of Philadelphia. We promised, also, that at some convenient season, we would examine that system with reference to the facilities of intercommunication which it will afford between the different sections of the State, and to the profit which may be expected from that source. It has since occurred to us, that a more accurate description of the localities through which the Pennsylvania Canals and Rail Roads pass, and of the country they are destined to accommodate, might prove interesting to our readers, while it would enable them better to appreciate the views which we promised to lay before them.

We shall now attempt such a description, under the general head of

### SKETCHES OF PENNSYLVANIA.

And for our own, and the reader's accommodation, as

we mean to take a pretty general glance over the state, we have concluded to break our Essays into numbers.

We have now only to request of those who feel an interest on the subject, that they will fancy themselves travelling in our company from Philadelphia, westward, by the line of the State Rail Road and Canal.

We set off, then, at the corner of Vine and Broad streets, upon the Pennsylvania Rail Road, and pursue our course round the base of Bush-hill, and back of Fairmount, using in a great degree the bed of the old Union Canal, until we strike the margin of the Schuylkill, a short distance below Peter's Island, and about two miles above Fairmount dam. Here the Schuylkill is crossed by a bridge of wood, with piers and abutments of solid masonry. The length of the platform is 984 feet, and its height 37 feet above the water's surface. It has six piers, some of which are sunk in water 24 feet deep. At the end of the bridge, we ascend, by a stationary steam engine, an inclined plane, the hill of Belmont, known as the residence of the late Judge Peters. The length of this plane is 42 chains, or a little over half a mile; and the perpendicular height above the bridge, 187 feet.

As the necessity of this inclined plane, and the propriety of crossing the Schuylkill at this point, were subjects of long and earnest discussion in the newspapers, and the Legislature, it may be well to explain the reasons which governed the Engineer in his choice.

Approaching Philadelphia from the west, with this line of country, he found himself near the 20th mile stone upon the Lancaster road, on the top of the South Valley Hill, about 550 feet above tide. A spur from this hill, of somewhat irregular course and form gradually diminishing in elevation as he proceeded eastward, and admitting of a graduation within the range of locomotive power, conducted him to the Schuylkill at Belmont. On either side of this spur, the waters divide—one division running to the Schuylkill, in a north easterly direction towards Norristown, and the other in a south westerly direction to the Delaware below the city. If the engineer had descended from this dividing ridge, and attempted to follow any one of the natural ravines, he must have come out far above Philadelphia, on the Schuylkill; or far below it on the Delaware—or, if having pursued one of the ravines a convenient distance, he had struck off in a direct line towards the city, he must have encountered a serious rise and fall between the small streams on the route, requiring, probably several stationary engines. All this is avoided by keeping on the dividing ground, and that too with no material increase of distance.

Any one who has travelled the Lancaster turnpike, must recollect how remarkably undulating its surface is between the Permanent Bridge and the Warren tavern. The inclination is not infrequently from two to three degrees, or at the rate of between two and three hundred feet in the mile. It repeatedly climbs to the summit of the dividing ridge, and then abruptly descends from it.

Such must have been the character of the rail road surface, if it had been carried in a direction towards the Permanent Bridge. By the route adopted, and which we are now travelling, the inclination never exceeds thirty feet in the mile, and is almost uniformly ascending to the summit of the South Valley Hill, near the Warren, where the elevation is 547 feet above tide, making a rise of 323 feet in about 20 miles.

The gradation of this part of the line has been rather expensive. It includes several heavy embankments, and bridges across ravines at points where the smaller streams have cut deeply into the dividing ridge. In several instances, also, it has been necessary to pass the summit, and transfer the line from one slope to the other, occasioning, generally, a considerable deep cut.

The country between Belmont, and the Warren, a distance of 20 miles, is too well known to need descrip-



tion. It is thickly settled, and in general well cultivated—with very little wood, and that little very rapidly disappearing. Coal obtained from the Schuylkill is already much used. In a short time it must be the universal fuel. The natural soil of this section is not remarkably good. It has been enriched, however, by judicious cultivation so as to yield good crops of corn, wheat, and grass. The farmers of this district, almost all attend the city market regularly, with the products of their farms—butter, eggs, poultry, vegetables, &c. The population is industrious and thriving. The buildings are substantial, and the whole district has an air of cheerfulness and comfort.

No villages of any consequence have occurred as yet. We have passed the Buck Tavern; the Spread Eagle, and the Paoli, all of excellent quality, and kept by most substantial and respectable men, besides a host of inferior taverns which have sprung up for the accommodation of wagoners on the turnpike.

Near the Paoli Tavern is the scene of the bloody surprise and massacre inflicted by General Grant upon a part of Wayne's brigade during the revolutionary war; and further on, just this side of the Warren, is a ravine through which a countryman led the British General in his midnight excursion. The country was then wooded, and this pass was so little known that no precaution was taken against attack from that quarter. It was a bloody business—traditions say the traitor guide fell at first fire from the American camp.

Having now traversed the route leading through the counties of Philadelphia and Delaware, and entered the important county of Chester; and having got a fair start in our contemplated journey through the state, we shall take care not to weary ourselves, or our companions (by the way, we are happy to see the number increasing so rapidly) by too long stages, at least at first.

The Warren Tavern kept by our old friend Fahnestock, ever since the Revolution, or for aught we know, since Braddock's defeat, or Cromwell's war, is close at hand. We know that a good bed awaits us there, and as to supper, let fat Dinah, the cook, alone, for getting up the eatables, always provided she has been moderate in her drafts upon the contents of the bar.

At the Warren therefore we sleep—calculating to take our first look into the Chester valley just as it becomes glorious beneath the rays of the rising sun.

#### No. 2.

Our first sketch broke off abruptly on the top of the South Valley hill, near the Warren Tavern, and about 20 miles from Philadelphia. Resuming our journey, the first object that strikes us is the Chester Valley, immediately below us, and stretching from east to west as far as the eye can reach. Whoever has a taste for beautiful scenery, and especially for that in which smiling and well cultivated fields are a main ingredient, will do well to pause at this spot. He may travel much farther without finding any thing superior. Probably no equal portion of the continent contains a larger amount of agricultural wealth and rural comfort than this valley, called by its inhabitants the "Great Valley," for no better reason than we know of, except, that it happens to be the smallest of those similar formations by which the state is traversed.

The Valley proper may be regarded as commencing on the Schuylkill, not far from Norristown, and extending westward a little inclining to the south, crossing both branches of the Brandywine, and losing itself among the hills about three miles west of the west branch of that stream. Its length is not far from thirty miles, and its greatest breadth, judging by the eye, about six miles. It gradually narrows as you proceed westward, and after passing the little Brandywine, is confined within very narrow limits. Its whole course is included in the county of Chester, except two townships of Montgomery, lying west of the Schuylkill, (Upper and Lower Merion.) It is bounded on each side by hills of considerable

height but of gradual slope, called the North and South Valley Hills. The formation of the valley is limestone of the transition kind, which soon disappears as you ascend the hills on either side. To the presence of limestone of excellent quality, in inexhaustible quantity, and easily quarried, it is indebted in a great degree for its high state of cultivation, and for the wealth and prosperity for which its inhabitants have always been remarkable.

Though the Valley (so called) terminates at the Schuylkill on the east, yet the same formation continues on the other side, including several townships of Montgomery county, and passing through Bucks to the Delaware, near New Hope. Traces of it are found on the Jersey side near Lambertville. The line of Plymouth and Whitmarsh, both east of the Schuylkill, is deemed the best that comes to our market. On the line thus indicated from West Brandywine to the Delaware, will be found the most valuable farms of Chester, Montgomery, and Bucks.

In this formation also occurs the marble, both black and white, used for building and for mantles in Philadelphia. It shows itself in various places, but is only worked at points of easy communication with the city. The principal quarries, are Hitner's, east of the Schuylkill, on the road from Germantown to Norristown; and Henderson's west of the river in Lower Merion. It is also found and considerably worked at West Whiteland, seven miles west of the Warren.

The land in the Chester valley is of excellent quality, improved to a high degree by cultivation. Of course, its agricultural product is very great, finding employment for a great number of mills, and affording a large export to the Philadelphia market. It is watered by several branches of the Schuylkill and Brandywine which have considerable fall, and afford good mill-seats.

The inhabitants of this region are principally of the society of Friends, or at least descended from Quakers. The characteristics of that respectable sect are very visible in the neatness, order, and comfort that prevail. Property seldom changes hands, except in the regular course of transmission from father to son, and a sheriff's sale of valley land for debt is almost a phenomenon. The houses are almost invariably of stone; and that species of rough cast denominated pebble-dashing is very fashionable. Besides its abundant agricultural products, lime is a staple of this valley, as well for home consumption as for exportation. Great quantities of it find a market in Wilmington and Philadelphia. The burning of lime has made sad havoc among the timber; already the very tops of the boundary hills begin to look bare in many places, while below, the trees have nearly disappeared. It cannot be long before coal must be the universal fuel for domestic and for all other purposes. That coal must come from the Susquehanna, or from the Schuylkill, and MUST PASS ON THE PENNSYLVANIA RAIL ROAD.

But it is time we had resumed our journey. From the summit of the South Valley Hill, then, we begin to descend on its northern slope, at the rate of twenty-eight feet in the mile, which rate of graduation is maintained for about eight miles, when we arrive at Valley Creek, which we cross by a viaduct five hundred and seventy-seven feet long, and fifty-eight above the water line.

We have now attained the surface of the valley within a few feet. This stream is not so large as the length of the bridge would indicate, being nothing more than what would be called a respectable mill stream. It runs, however, in a wide ravine over which the bridge is thrown. By it the water of one half that part of the valley east of Downingtown is carried off, and poured into the main branch of the Brandywine. It interlocks with another creek of the same name, which empties into the Schuylkill four or five miles above Norristown. Near the mouth of the latter is the "Valley Forge," so conspicuous in American history. The mention of this celebrated spot almost tempts us to enter upon a sketch



of the military operations of which it was the centre, during the winter of '77-78. On a future occasion we shall probably do so, as it will enable us to explain more fully the topography of the region within thirty miles of Philadelphia—besides illustrating some remarkable circumstances connected with the position and the operations of the army at that time which have never yet, as we believe, been fully developed in history. Meanwhile, having passed Valley creek, we proceed by the rail road, westward, gradually approaching the middle of the valley for about three miles to the main branch of the Brandywine, immediately south of the flourishing village of Downingtown. The graduation continues to be descending at the rate of twenty-eight feet in the mile, to within half a mile of the creek when it begins to ascend at the same rate. The viaduct across this stream, is four hundred and sixty-five feet long, and twenty-six feet above the water. The crossing place here is remarkably favorable. Our description of Downingtown and Brandywine must be reserved for a future number.

In our journey of to-day we have passed the road leading to the Yellow Springs. It diverges from the Lancaster turnpike at the Ship Tavern, five miles west of the Warren. This favorite resort of our citizens in the summer is situated on the high ground north of the valley, in the midst of a fertile and salubrious country. To the fine air and agreeable walks which surround the Springs, more, perhaps, than to any medical quality of the water, must be attributed the benefits which invalids derive from a visit to this elevated region. The water is intensely cold, and very slightly impregnated with iron, which, by communicating a yellowish tinge, gives name to the spot. The cold bath for plunging, or in showers, is used by the visitors with excellent effect.

We omitted also to notice, that on the south valley hill, the West Chester rail road joins the great state line. From the hill, nearly all the way to West Chester, the distance is, by the course pursued, nine miles. As the state rail road begins to descend the hill at the same point, and continues on the northern slope, the two works lie close to each other for three or four miles, the one increasing in elevation as we proceed—the other decreasing. When the communication between West Chester and the Susquehanna shall be fully established, and an important trade grow up, it will be necessary to connect the two works by an inclined plane, and stationary power, at a point about three miles from the present junction, in order to avoid the circuit which the present arrangement would require. The scheme is perfectly practicable, and has already attracted the notice of the intelligent Directors of the West Chester Rail Road.

As West Chester is the seat of justice for the important and flourishing county of Chester, it is entitled to particular attention. We have been promised, by an intelligent gentleman resident there, an accurate account of its history, condition, and prospects, which, as soon as received, will be presented to our readers. Meanwhile we shall only remark, that it is delightfully situated on the high ground between the Brandywine and the head waters of Chester creek, the highest ground for many miles round. It is a prosperous and flourishing borough, with about 1300 inhabitants, and is probably the most salubrious and agreeable country residence this side of the Susquehanna. Its population are remarkable for intelligence and public spirit, and for the attention they have paid to literary and scientific subjects. It is here one of our favorite exchange papers, "THE VILLAGE RECORD," is published.

In the lead of those who have exerted themselves for the improvement, moral, mental, and physical, of the county of Chester, stands Dr. William Darlington, an eminent physician and naturalist, and a scientific and practical farmer. This gentleman ranks among the first botanists of our country, and is recognised as such by the distinguished *Savans* of Europe. His work, en-

titled "*Florula Cestrica*," designed to illustrate the Botanical resources of his native county, has been highly commended by the most competent judges. It is no part of our present plan to praise individuals—but a career so unostentatious, and yet so practically useful as that of Dr. Darlington, seemed to us to form an exception. He is the pride and favorite of the county of Chester, and justly so, for he has done more to render her population prosperous, intelligent, and happy, than any other individual.

From the Young Men's Advocate.

MAJ. MOSES VAN CAMPEN.

We take up the pen to notice a few prominent scenes in the life of this revolutionary patriot. We shall make no attempt at a biographical sketch; our purpose is barely to give publicity to the acts which marked his early military career in the war of the revolution.

That oblivion should envelope in its dusky folds the important services of many of our veteran soldiers, is a reproach upon the national honor; and, as long as the meed of gratitude is withheld, a stain rests on the page which tells the moving history of this proud republic. The grave has closed on worth and genius—that *where* and *how* would unfold a story of national wrong and injustice over which posterity will drop the unbidden tear. In the wilds of the western mountains, forgotten and neglected, the high-born and gallant patriot, Arthur St. Clair, closed his earthly pilgrimage. Justice, long delayed, came with its award in time to behold the closing ritual from the hand of strangers. How many of that glorious band, who toiled for the liberties of their country, have been left in ignominious silence, to slumber out the remnant of their days, and pass from among us unhonored and forgotten, cannot now be told. Tardy gratitude comes with the sting of death, and had better be withheld than bestowed. The neglect of this age will receive the just censure of the next, and when posterity shall hold in veneration the names of the fathers of our country, the bitter curse of national ingratitude will be irrevocably fixed upon that period where we could least wish to behold the inglorious stigma.

The war of the revolution broke out in the year 1775. Great Britain sent her ships and armies to coerce her American subjects into an humble submission to laws unjust and oppressive in the extreme. The battles of Lexington and Bunker Hill soon taught his Majesty George III. that a manly resistance would be made, and that the revolted colonies would prefer death before submission. All the western posts on the waters of the great lakes, were in the possession of the British. Agents were sent by the crown to all the Indian tribes, from the province of Maine to the state of Georgia, with gold to purchase their friendship and allegiance; and without the exception of a single tribe, the whole savage population became allies to the British government. This band of ruthless foes was stretched like a chain around our western frontiers. On the sea-board the British troops were to be opposed, and on the western borders, the united force of British Tories, and Indians.

The subject of this notice was then a citizen of Northumberland county, Pa. After the declaration of Independence, in the year 1776, in the 18th year of his age, he renounced his allegiance to the King of Great Britain, and took up arms in defence of his country. Having served as a volunteer until August, 1777, he then joined the regiment commanded by Col John Kelly, stationed at Big Island, and Bald Eagle creek, on the west branch of the Susquehanna. He served in this regiment three months. It was during this period that the Indians were roving through the sparsely settled country, in small detachments, spreading havoc and death to a fearful extent. There remained no longer any safety for the inhabitants, as the fires of the savages were nightly lighted from the dwellings of their murdered victims.



To preserve the terrified population from the merciless tomahawk, forts were ordered to be built for their reception. In the spring of 1777, VAN CAMPEN took the command of a small detachment of nine months men, and built a small fort on the waters of Fishing creek which emptied into the north branch of the Susquehanna river. It was soon filled by the surrounding population, who fled from their homes and their all, rather than wait till the warwhoop should sound their doom. It was not long before the inmates of the fort were put to the trial of their security. In the month of May, the fort was attacked by a large party of Indians. Van Campen and his men gave them a warm reception, and defended their post manfully. It was at fearful odds that the little band sustained the shock; after a long conflict and a bloody one for the Indians, they collected their scattered forces and withdrew. But savage vengeance remained unsatisfied; many a fire broke out in the darkness of that night, in the route of the retreating forces. The deserted tenements were all laid in ashes.

The same year, Van Campen intercepted a small party of Indians, and, in the conflict that ensued, he succeeded in killing five. The chief and party ran. In the spring of 1779, a number of companies of boatmen were raised to man the boats built by Government to convey the provisions for Sullivan's army, from sundry places of deposit on the Susquehanna river, to Wilkesbarre, and from thence to Tioga Point. Van Campen was appointed Quarter Master of that department, and superintended the conveyance of the provisions to Tioga Point by water. While the army was lying at Tioga Point, waiting for General James Clinton to arrive with his brigade, at the request of Gen. Sullivan, he reconnoitered the Indian camp at Chemung. The next night, Van Campen went with a detachment, and fought the Indians, at a place called Hogback Hill, and routed them from their ambush, with some loss of killed and wounded.

In March, 1780, a party of Indians reached the frontiers in the neighborhood of his father's farm, and as Sullivan, in 1779, had destroyed their towns and villages, it was thought they would not venture upon their accustomed deeds of violence. In the hope that the frontiers would have some rest, and lulled into a fatal security from the shy movements of this band of savage warriors, many returned to their homes, and ventured to engage in their ordinary occupations. Van Campen went with his father to his Farm, and assisted in erecting a shanty for lodging. On the morning of the 29th of March, they were surprised by a party of ten Indians. His father and brother were inhumanly killed, scalped, and thrown on the fire, and himself taken prisoner.

Van Campen was pinioned, and the party took up their march. Two other prisoners were taken in the course of the next day. Their route over the mountain was very difficult, and in many places the snow was deep. They came to the north branch of the Susquehanna, at little Tunkhannock creek where the Indians had moored their canoes after descending the river. When they had crossed over to the east side, the canoes were propelled into the middle of the stream and set adrift. The party then proceeded along the bank of the river towards its source. On the way to Whilusink, Van Campen improved an opportunity which the unwonted carelessness of the Indians offered, in suggesting to his companions in captivity a plan of escape, only, however, to be effected in the total massacre of the Indian party.

The motive for such a daring attempt was indeed a powerful one, for he well knew their fate, being the first prisoners taken after Sullivan's campaign. Van Campen was well aware, that under these unfavorable auspices, they would, after a parade in savage triumph through the Indian villages, suffer every torture that dispositions wild, uncontrolled, and revengeful, could suggest, and finally grace a burning pile. He reasoned under these convictions, that they had now an inch of

ground to fight on, and if they did not succeed, the alternative was to sell their lives as dearly as possible. If another day should close upon them in captivity, and it would soon wing its course, hope would grow faint, and perchance the taunt of the triumphs, and the lingering death, would be meted out in all its horrors, while every effort at manly resistance would be palsied. His fellow prisoners agreed to join in the attempt. The natural vigilance of the Indians returned, and it was well for the prisoners that they were far from the place of destination.

On the fourth day of their captivity, a few moments offered for consultation on the mode of attack. As the Indians had on former nights laid five on each side of the fire, the prisoners bound and placed between them, Van Campen's plan was to procure a knife, and at an hour when they were sound in sleep, cut off their bands, disarm the savages of their guns and tomahawks, and the three prisoners with each a tomahawk, come to close work at once. This plan was objected to by the other two. All agreed in the necessity of disarming. The objectors to Van Campen's mode, thought it best for one of the party to fire upon the Indians, on one side of the fire, while the remaining two were engaged in the work of death on the other. Van Campen was decidedly opposed to this proposition, as the moment a shot was fired, the alarm would be given, and it would then involve the issue in a dreadful uncertainty. They were obstinate, and as there remained no alternative, he submitted, and they pledged themselves one to the other to fight unto the death in the proposed conflict, rather than remain long in captivity, with a cruel death in the prospect.

On the night of the second of April, about 12 o'clock, the prisoners concluded that all the Indians were sound in sleep. Van Campen had previously procured a knife. They rose, cut themselves loose, and immediately removed all the arms. It was a moment of the most thrilling interest; five brawny savages were stretched at length on either side of the fire. The faint light emitted from the burning brands, scarcely threw back the shadows of night from the sleeping forms. Their outlines, however, were full and fair to the eye accustomed to watching through the heavy hours of a night in the wilderness. At that moment two of the Indians awoke, and discovered the situation of the captives. Van Campen and one of the men were on one side of the fire—his partner proved the coward. Not a moment was to be lost; in an instant the two that were rising fell before his tomahawk, and sunk into the arms of death. He despatched the third one, when the shot was made on the opposite side of the fire. The alarm was then general. Three were mortally wounded from the shots—four still remained. Van Campen gave one a severe wound as he was on the jump. The stroke was aimed at his head, but sunk into his shoulder. He fell, and unfortunately as Van Campen was on the leap after the savage, his foot slipped, and he fell by his side. They grappled together, each exerting his utmost power to prevent the use of the knife and tomahawk. After a short and severe struggle, they mutually relaxed their hold, which was no sooner done than the Indian regained his feet and run. The victory was complete, only one of the ten Indians, who had laid down to repose in confidence and security that evening, ever reached their villages or Fort Niagara.

We would here observe, that common report says, many years after this conflict, the Indian who so narrowly escaped with his life called upon Major Van Campen at his residence, where a mutual recognition took place. The subject of that eventful evening was talked over, when the Indian, after partaking of the hospitalities of the house, departed on apparently friendly terms.

On the 8th of April, Van Campen, was commissioned as a Lieutenant of Infantry, in the Pennsylvania line, the



remaining part of the year 1780 was spent in recruiting a company, when organized, they mustered 110 men, and were detached from the frontier service. In the year 1781, it was reported that a large body of Indians lay on the Cinimihone river, west branch of the Susquehannah. Col. Samuel Hunter, who was then in command, selected Capt. Peter Grove, Capt. William Campbell, Lieutenants Grove, Creamer, and Van Campen, to act as spies in discovering the location of the Indian forces, to ascertain their size, watch their movements, and to make report by sending in one of their number. They marched in the month of August, but made no discovery. On their return one evening about sun-setting, they discovered a smoke, which they at once concluded must proceed from an Indian camp. The number could not be determined; at all events, it was settled in council to give them battle that night. They were dressed and painted in Indian style. Each had a good rifle, tomahawk, and a long knife. It was a fine evening; all felt fit for action, and eager for the conflict. The appointed time came, and, with a silent and stealthy step, they reached the camp undiscovered. To their surprise, they found that the battle must be waged with about thirty Indian warriors. They kept their rank, and each man fought arm to arm; first used the tomahawk and knife, and then poured in their five shots—raised the warwhoop, and roused the whole party with a loss of four killed and several wounded. It was a roving party that had long been a terror to the frontier settlers; they had killed and scalped two or three families, and plundered every house they had visited.

In the spring 1782, Van Campen was sent with a party of 25 men, up the west branch of the Susquehannah river. On the morning of the 16th April, on Bald Eagle creek he met with 85 Indian warriors. A severe battle took place; 19 of his men were killed, himself and five taken prisoners. The day after the battle the Indians killed one of the prisoners for some trifling cause.

Van Campen and his fellow prisoners were marched through the Indian villages, some were adopted to make up the loss of those killed in the action. Van Campen passed through all their villages undiscovered; neither was it known that he had been a prisoner before, and only effected his escape by killing the party, until he had been delivered up to the British at Fort Niagara. As soon as his name was made known it became public among the Indians. They immediately demanded him of the British Officer, and offered a number of prisoners in exchange. The commander on the station sent forthwith an officer to examine him. He stated the facts to the officer concerning his killing the party of savages. The officer replied that his case was desperate. Van Campen observed that he considered himself a prisoner of war to the British; that he thought they possessed more honor than to deliver him up to the Indians to be burnt at the stake; and in case they did, they might depend upon a retaliation in the life of one of their officers. The officer withdrew, but shortly returned and informed him that there remained no alternative for him to save his life, but to abandon the rebel cause and join the British standard. A farther inducement was offered that he should hold the same rank that he now possessed, in the British service. The answer of Van Campen was worthy the hero, and testified the heart of the patriot never quailed under the most trying circumstances. *"No sir, no: my life belongs to my country; give me the stake, the tomahawk, or the scalping knife, before I will dishonor the character of an American officer."*

In a few days, Van Campen was sent down the lake to Montreal, and there put in close confinement, with about 40 American officers. In the month of September he was taken out of prison, with ten of the other officers, and sent to Quebec. From thence they were removed to the Isle of Orleans, on the St. Lawrence,

24 miles below the city. About the 1st of November they were put on board a British vessel, which sailed to New York, where he was exchanged, and immediately returned to the service of his country.

On the 16th of November, 1783, he was finally discharged from the army of the United States, after a perilous service of a little more than 7 years.

Major Van Campen is still living, [at Danville, Livingston Co.] in green old age, in possession of his faculties, and enjoying, in common with his countrymen, the fruits of our free institutions, which have sprung into life since he mingled in the revolutionary contest. He is respected for his patriotism and bravery, and beloved for the amiable qualities of his mind, by an extensive circle of friends. Benevolent in his disposition his life, since the revolution, has been spent, not in hoarding up wealth for self gratification, but in alleviating the distresses of the unfortunate, and extending the hand of charity to the wants of his fellow beings. B.

Wayne, N. Y. August 13.

From the Commercial Herald.

#### HUNTINGDON COUNTY, (PA.)

Messrs. Editors—Having understood that you had expressed a desire to publish in your valuable paper, "Sketches" of the natural history of the several counties in Pennsylvania, I take the liberty of furnishing you with a brief notice of *Huntingdon County*. Though now rapidly growing into importance, through the instrumentality of public improvements, and the consequent stimulus given to industry and enterprise, it is but a few years since it was denominated "the back woods;" and scenes of Indian massacre are yet fresh in the recollection of many of the inhabitants. Even its location, except as delineated on the maps, is yet but imperfectly known to strangers.

The general features of this section of country, like its pioneer settlers, are "rough and strong," occasionally presenting to the eye of the traveller views of terrific grandeur, partaking of the "sublime of nature's works." One of these presents itself in travelling westward immediately on passing the boundary of Mifflin county, on "Drake's Hill," a part of Jack's mountain. The turnpike road is carried along the side of an awful precipice, with "avalanches" of rock and rolling stone on each side, threatening to slip from beneath your feet, or overwhelm you from above. On this hill you catch a glimpse of Aughwick Valley, stretching southward. This, though not generally so fertile, is perhaps as large as any valley in the county. Here, about four miles south of Shireleysburg, stood "Bedford Furnace," the first one erected in Western Pennsylvania. It has long since fallen to ruins. The estate, formerly Ridgley & Cromwell's has changed owners, and a town has been laid out at the scite of the old furnace, called "*Orbisonia*," from the name of the present proprietor,\* in which a post office, bearing the same title, has recently been established. The inexhaustible mines of iron ore, and never failing water power, at this place, are likely once more to make it "known to Fame." Two furnaces have been lately built, and a forge is now being erected in the immediate neighborhood. The ore is chiefly prized for its peculiar adaptation to the manufacture of castings. But to resume our travels.

At the foot of Drake's Hill, the mind of the traveller, especially if he has descended in a stage coach at half speed, feels greatly relieved, and the eye is greeted with a view of the river Juniata and the Pennsylvania Canal on the opposite side, built and excavated along the base of a mountain, bearing the same threatening aspect with the one he has passed. A little farther on you get along side of the canal at "Jack's," where it

\*William Orbison of Huntingdon.



crosses the river on a handsome covered aqueduct, but soon are obliged to leave it, and "take to the hills" again. There is nothing then to interest the traveller until you get near Huntingdon, the county town, except an occasional peep at the river and canal, and some fine mountain scenery. The approach to the town is peculiarly beautiful. At about half a mile distance, the road cut through a valuable quarry of solid rock, acquires an elevation of some twenty or thirty feet above the canal, from which it is separated by a railing placed on a nearly perpendicular wall. On rounding the hill, the aqueduct across the mouth of Stone Creek—the town beyond, with its spires, gardens, and adjacent highly cultivated fields—the canal, river, and variegated "leafy world" on the surrounding hills burst at once on the enraptured vision! The "grave-yard hill," within the limits of the borough, covered with half-grown forest trees, is (strange to tell) an admired and much frequented spot by the *living*. The place was formerly called "Stone Town," or "The Standing Stone," from the circumstance of a stone some ten or twenty feet high, having been erected here by the Indians "time out of mind," on which hieroglyphics were inscribed, indicating to those who frequented the place, the course which the party of hunters preceding them had taken, their success in the chase, &c. Tradition relates that the original stone was destroyed or concealed by the Indians at the time of their expulsion by the white savages. Fragments of the stone erected in imitation thereof by the whites, are yet in the possession of some of the inhabitants, on which are inscribed the names of visitors, and dates as early as 1760. The town was injudiciously laid out; no street or avenue along the river, narrow streets and without alleys, and as injudiciously selected, with regard to local advantages, for the seat of justice, when the organization of the county took place in 1787. Notwithstanding these disadvantages it is a wealthy and respectable place. In days of *yore* it was famous for its hospitality and *sociability*.

It was no uncommon occurrence to see the parson's lady lead down the contre-dance by the powdered mechanic, to the melodious "Flowers of Edinburgh" or "White Cockade." The inhabitants are not quite so "primitive" in their manners now. Wealth here, as elsewhere, has exercised its magic power, and the descendants of those who "some time back" in the progress of gentility had no family intercourse, are now united in the bonds of matrimony and the old folks sit and chat, "cheek by jowl" with zeal, or affected complacency.

Huntingdon for many years commanded the trade of the whole county. The progress of improvement has extended equal facilities to other portions, and of course, deprived it of much of its former sources of traffic. It is still the natural depot and outlet of the surplus products of Wood-cock and Stone Vallies. The former a rich limestone soil, and though rather hilly, well adapted to the culture of small grain. The direct public road to Bedford passes through it; the inhabitants are generally of German extraction. Stone Valley has heretofore chiefly been considered valuable for its forests of timber and the facility of transportation afforded by the creek which gives name to it. Though better calculated for grazing than grain growing, yet it contains some good upland; iron ore has been discovered in the neighborhood, and a furnace is about to be built on the head of the creek—a forge a few miles lower down has been in operation some years. In this valley are situated the "Warm Springs," a place of considerable resort during the watering season. The water is something colder than the common temperature of our rivers, light on the stomach, diuretick, and a chemical analysis discovers the presence of magnesia. It has been found serviceable in rheumatic affections. But as my leaf is filled I must cease for the present at least, though not half through the county. Should my incubrations prove acceptable, I may perhaps be tempted to finish

my tour through the upper part of the county, including what is commonly called the "Iron Region."\*

VIATOR.

From the Pennsylvania Telegraph.

### STATE LOANS.

Names and Places of Residence, of Foreigners who hold stock in the State Debt of Pennsylvania, agreeable to the Report of the Auditor General, made to the Senate of Pennsylvania in January last: together with the amount held by each, where the amount is five thousand dollars or upwards, but under that sum the amount is not carried out, with each name. Be it remembered that the first name on the list of stockholders is a foreigner.

#### *Loan per Act of April 2d, 1823.*

Bethia Alexander, Airdrie House, Scotland.	
The Right Honourable Sir William Alexander, Knight, of London,	\$17,500
James Brown, Esq. of Leeds, Eng.	\$50,000
Richard M. Bell, of St. Jago de Cuba.	
Baring, Brothers, & Co. bankers of London,	13,500
Cropper, Benson, & Co. of Liverpool, England,	15,000
Maria Serafina Aloy, Veuve Chauviteau, of Paris, France.	
Donald Cameron, jr. of Lochiel, in Scotland.	
Francais Maria Delessert of Paris.	9,300
Mrs. Candelaria, Yradi De Bell.	7,000
John Ferguson of Irvine, in North Britain, and Andrew Service now in London.	
Charlotte Finch, of Charles street Berkley Square, Middlesex in England.	5,000
Gowan and Marx, London.	9,000
Samuel Gurney of London.	25,000
The Right Reverend James Hoby, of Upper Stamford, England.	
Paul Moon James, banker and others of Birmingham, England.	6,387 53
Mary Finch, of Berkley Square, Middlesex, England.	5,000
Mrs. Lydia Sophia Melizet.	
John Marshall, of Leeds, England.	7,000
Mary Prime, of Twickenham, Middlesex, and Richard Prime, Esq. of Walburton House, Sussex, England.	24,285
Ambrose Policarpe de la Rochefoucauld, duc de Doudeauville, of Paris.	15,000
Alexander Saunderson, Esq. of Castle Saunderson, county of Cavan, Ireland.	5,000
William A. Sears of Bermuda, Dame Louisa Stracham, of Middlesex, Eng.	6,500
Thomas Wilson, & Co. of London,	12,500
Christopher Wordsworth of Cambridge, England.	
Total amount of this loan held by Foreigners including all sums under \$5,000	\$202,825 94
Amount of Loan \$930,000.	

#### *Loan per Act of March 30th, 1824.*

Thomas Badaraque,	
Alexander Baring and Richard Willing of Montreal, Canada.	
Cardelia Van Wickeyport Cromlin, of Haarlam, Holland.	
S. Girard in trust for L. Cune of the Isle of France.	
do for F. Poussin,	
do for John F. De Lasa	
do for J. J. Benoist	

\* For a more particular account of this Co. its iron works, &c. see Reg. vol. 1. p. 41. vol. 7. p. 396. vol. 8. 275.



Sophia E. Perot, of Bermuda.  
 William A. Sears, of Bermuda.  
 Wilhelmina Phillippina Van Tuyl Van  
 Scooskerken, of Amsterdam, Holland.  
 Total amount of this loan held by foreign-  
 ers. \$12,279 41  
 Loan \$600,000.

*Loan per Act of April, 1825.*

C. Carvelho, of Cape Haytien.  
 C. A. Gildermeister of Bremen. 6,000  
 Mrs. Mary Darrell of Bermuda.  
 Dame Louisa Strachan, of Middlesex, Eng-  
 land.  
 Total amount of this loan held by foreign-  
 ers. \$9,470 00  
 Loan \$150,000.

*Loan per Act of April 1st, 1826.*

James Brown, of Leeds, England.  
 Baring, Brothers & co. bankers, of London. 15,000  
 Benjamin Crickmore, Suffolk, England.,  
 Donald Cameron, jr. Lochiel, Scotland.  
 John Ferguson, of Irvine, and Andrew Ser-  
 vice of London.  
 Helene, Francoive Ferte.  
 George Fordham, Esq. of Odsey, England. 5,000  
 Francis Hall, Esq. of Jamaica. 5,000  
 Miss Elizabeth Roulet, of Laguirra.  
 William Sheepshanks, of Leeds, England. 10,700  
 Total amount of this loan owned by foreign-  
 ers. \$49,665 00  
 Loan, 300,000.

*Loan per Act of April 9th, 1827.*

George Alston & Robert Scott, of Glasgow,  
 Scotland. 20,000  
 Thomas Palmer Achland, Esq. of Devon-  
 shire England. 44,000  
 James Brown, of Leeds, do. 20,500  
 Baring, Brothers & Co. Bankers, London. 76,000  
 James Temple Bowdoin. 22,500  
 Rev. Stephen Barbut, of Chichester, Eng-  
 land. 8,500  
 Eleonore Susanne de Breante, of Lachapelle,  
 in France, gentleman. 7,000  
 Maria Asunta Leonida Bustini, Countess de  
 Bourke, of Paris. 10,000  
 Edward Chapman Bradford, Esq. of Port-  
 man Square Middlesex, England. 6,250  
 Jeane Etienne Felix, Cadiot, of Paris. 30,000  
 Thomas Cotterill, at Birmingham, England.  
 Edward Calvert, of Derby, England.  
 Richard Colls, Esq. of Tavistock Square,  
 England. 9,758 57  
 The Most Honourable Francis Seymour Con-  
 way, Marquis of Hertford, of Great Bri-  
 tain. 5,000  
 Arnault Jacques Marie Depres Defains, of  
 Paris, gentleman. 24,000  
 Mrs. Mary Darrall, of Bermuda.  
 John Ferguson of Irvine and Andrew Ser-  
 vice in London. 9,750  
 Francis Fisher and William Joseph Fisher  
 of Gloucestershire, England. 10,000  
 Admiral Edward Fellows, of the Royal Navy,  
 of Gloucester place, Portman Square,  
 Middlesex, England. 12,000  
 William Henry Fellowes, Esq. of Ramsey  
 Abbey, Huntingdonshire, England. 25,000  
 Robert Gamble, of Wortham, England. 5,000  
 Alexander Graham, Esq. of Russell Square,  
 London.  
 Charles August Gildermeister.  
 Sarah Gooch and Georgiana Gooch, of  
 Brunswick Square, London. 7,000

Gage John Hall, a Lieutenant General in his  
 Britannic Majesty's Service. 10,000  
 Benjamin D. Harvey, of Bermuda. 10,200  
 James Pool, of Birmingham, Banker &c. 19,000  
 John Janson, of London, banker. 10,000  
 Alfred Lewis, of Stock Exchange, London,  
 gentleman. 15,667  
 Abraham Lyon Moses, of London, Merchant, 10,000  
 John Marrell, LL. D. near Brighton, England, 7,000  
 Hannah Middleton, of Somersetshire, England. 5,000  
 John Marshall, of Leeds, England. 5,000  
 Samuel Mills of Russell square Middlesex,  
 England. 10,000  
 Rev. Richard Martin, of Cornwall, England.  
 Charles Frederick Paxton, Esq. of London. 15,000  
 John Hey Puget, of Totteridge, England. 18,878,47  
 Thomas Redhead, Esq. of Nottingham Place,  
 London. 15,500  
 Thomas Robins & co. of Cornwall, England,  
 bankers. 15,000  
 Elizabeth T. Sears & co. of Bermuda.  
 Andrew Service, in London. 10,000  
 Alexander Saunderson, Esq. of Castle Saun-  
 derson, Ireland. 15,000  
 Misses Esther E. W. Spencer and Sisters, of  
 Bermuda. 10,590  
 Eliza Scott, of St. Thomas. 7,604 70  
 William Sheepshanks, of Leeds, England.  
 George Smith, Esq. of Lancashire, Eng-  
 land. 7,000  
 Thomas Thornthwaite, of London. 9,411 77  
 Robert Taylor, of Bristol, England, gentle-  
 man. 7,500  
 Claude George Thornton, Esq. of Hertford-  
 shire in England. 14,000  
 Elizabeth Thornthwaite, of Middlesex, Eng-  
 land. 13,000  
 Edward Tyrrell, Esq. of Guildhall, London. 10,000  
 Alice Tucker, of St. Thomas. 20,000  
 Margaret Withall, of Devon, England.  
 Thomas Wilson & Co of London.  
 Total amount of this loan held by foreign-  
 ers. \$710,091 70  
 Loan \$1,000,000.

*Loan per Act of March 24, 1828.*

Thomas Bardaraque and John M. Melizet.  
 James Brown, of Leeds, England. 6,300  
 George Beadnell, of London, Candelaria  
 Yradi de Bell. of St. Jago de Cuba. 18,000  
 Jaques Gabriel Le Coigneux de Belabre, of  
 the department of Indre, in France. 10,000  
 Henry Ralph Beaumont, Esq. of Britton  
 Hall, Yorkshire, England.  
 Louis Albert de Brancas, Duke of Cereste. 5,000  
 Richard M. Bell, of St. Jago de Cuba. 6,400  
 David Bevan and R. S. Bevan, bankers, of  
 London.  
 Thomas Yates Brown, Esq. of Isle of Wight,  
 in England. 18,000  
 Sir C. Richard Blunt, Baronet, of Heath-  
 field Parke, Sussex, England. 5,000  
 Rev. Thomas Brock, of Guernsey.  
 His Royal Highness Charles: Sovereign  
 Duke of Brunswick, of England. 22,500  
 Thomas Cotterill, John Towers Lawrence,  
 and William Redfern, trustees, &c. 40,503 17  
 Robert Coleman, Esq. of Bath, England. 6,800  
 Madame Louisa Paulina de Chastellux,  
 Countess de Damas, of Paris. 2,900  
 Henry Frederick Carey, Esq. of Guernsey. 6,000  
 The Most Honorable Francis Seymour Con-  
 way, Marquis of Hertford, of Great Bri-  
 tain. 13,200  
 Thomas Cotterill, Esq. of Birmingham,  
 England. 18,384 62

Miss Mary Darrall, of Bermuda.		David Bevan and R. C. Bevan, Bankers of London.	30,000
Margurite Madeline Delessert, of Paris.		Thomas Cotterill, at Birmingham, Eng.	30,000
Guillaume Favre, of Geneva.	7,891 89	Jean Etienne Felix Cadiot, of Paris.	
John Ferguson, of Irvine, and Andrew Service, in London.		Robert Chapman, of Chappel Allerton, near Leeds, Eng.	10,000
Gowan and Marx, of London.	26,500	Donald Cameron, Esq. of Lochiel, Scotland.	
Sara Gooch, E. S. Gooch and G. Gooch, of Brunswick Square, London.	10,000	Maria Augusta Evans, of Gloucester, Eng.	
Julia Elizabeth Sophia Gautier, wife of Francois M. Delessert.	10,000	Thomas Pyfe, Esq. of Surry, England.	15,000
Henry Harvey, Sen. of Bermuda.		Gowan and Marx, of London.	5,000
Louis Joseph du Hamel	6,053 93	Charles Gray Hartford, Esq. of Bristol, England.	
William Holland, Esq. Grovesnor Place, London.	5,000	Henry Harvey, of Bermuda.	
David Pretto Henriques, of St. Thomas.	15,000	Benj. D. Harvey, of Bermuda.	
William John Hurry, merchant, of Great Yarmouth, England.		Richard Robus Hall, of Wye, Kent, in Eng.	
Robert Higgs, of Bermuda.		John Marshall, Esq. of Leeds, England.	23,500
Edward Jean, of Dieppe, in France.		Gilles Marie Marton.	
Philomen Land, of Dresden, in Saxony.	12,000	John Bacon Sawrey Morritt, Esq. of Rokeby Park, Yorkshire, England.	15,000
Henry Thomas Siddell, His Britannic Majesty's Consul at Gottenburg.		Nicholas Naflet, of Great Britain.	
John Marshall, of Leeds, England.	31,700	William Smith Neilson, of Trinidad.	
Abraham Lyon Moses, of London, merchant.	5,000	Willis Percival & Co. Bankers, of London.	20,000
Boyd Miller, Esq. of London.	7,500	Richard F. Peniston, of Bermuda.	
Major General John Maister, of Warwick, England.	9,000	Samuel Palmer, of Shoreham, Kent, Eng.	
Rev. Richard Martin, of Cornwall, Eng.	5,000	James Patterson, at Linlathan, near Dundee, Scotland.	
Nicholas Naflet, of Great Britain.	6,735	Emmanuel Victor Paurray de L'Auberrieviere de Quinsonas, of Paris.	14,000
Ralph Nicholson, Esq. of Hertfordshire England.		George R. Robinson, Esq. of London.	5,026 91
William Smith Neilson, of Trinidad.		Rev. James A. Rhodes, of Hortsforth Hall, Yorkshire, Eng.	5,000
Sophia E. Perot, of Bermuda.		The Honorable Ann Rushout, of Wanstead, Essex, in England.	10,000
Miss Martha Pool, near Liverpool, England.	5,000	William A Sears, of Bermuda.	
Emmanuel Victor Paurra de L'Auberrieviere de Quinsonas, of France.		James Stead, Esq. of Stockwell Surry, England.	11,500
Miss Ann Redfern, of Birmingham, England.	10,503 17	William Pettenden Shirley, of Lutton Valence, Kent, England.	
William Stanley Roscoe, Esq. of Liverpool.		John Todhunter, of Lloyd's Coffee House, London.	
John Dickinson, Esq. and Phoebe McCreehy of Middlesex, England.	10,000	Thomas Wilson & Co. of London.	28,325
The Honorable Ann Rushout, of Wanstead, Essex, England.	10,000	Richard Wood, of Bermuda.	
Rev. James Armitage Rhodes, of Horsforth Hall, Yorkshire, England.	6,000	Total amount of this loan held by foreigners.	\$328,965 04
William Sears, of Bermuda.		Loan \$800,000.	
Elizabeth T. Sears of Bermuda.			
Andrew Service, in London.	32,353 56	<i>Canal Loan per Act of April 22d, 1829.</i>	
Joseph Sevelenge, guardian of Maria Lucia Lamotte, and Maria Loisa Bernadine Caroline Lamotte.		George Alston and Robert Scott, of Glasgow, in Scotland	
Arthur Spencer, of Hithé, England.		Alexander and Richard Willing, trustees, Montreal,	11,315
Eliza Scott, of St. Thomas.		Candelaria Yradi de Bell, of St. Jago de Cuba	9,800
Alexander Saunderson, Esq. of Castle Saunderson, in the county Cavan, Ireland.	20,000	James Brown, Esq. of Leeds, England.	10,000
William Sheepshanks, of Leeds, England.		George and John Beadnell, of London	
John Henton Tritton, of London, banker.	10,000	Thomas Bardaraque and John M. Melizet, Guardians	5,367 88
Alice Tucker, of St. Thomas.		Robert Cooper Lee Bevan, of London, Banker	5,000
Thomas Wilson & co. of London.	15,399 13	Richard M. Bell, of St. Jago de Cuba	12,600
Miss Mary Watson, of Exeter, Executrix of Captain Joshua Rowley Watson, of the Royal Navy, deceased.	7,000	His Royal Highness, Charles Duke of Brunswick	30,000
Total amount of this loan held by foreigners.	\$584,064 86	Sir Charles Richard Blunt, of Healthfield Parke Sussex, England, Baronet	20,000
Loan \$2,000,000.		David Bevan and R. C. L. Bevan, of Lond.	
		Thomas Cotterill, John Towers Lawrence, and Wm Redform, trustees.	25,653 23
		Juan Martinez Cardeza.	
<i>Canal Loan per Act of 18th December, 1828.</i>		Mr. Josefa Espinosa de Cuesta, of Mexico.	8,038 57
Thomas Palmer Acland, Esq. of Devonshire, England.	6,000	Edward Stillingfleet Calcy, Esq., of Yorkshire, England.	
Dr. James Bradley, of Yorkshire, England.	7,400	Wilson Crewdson, Esq. of Manchester, England	10 000
James Temple Bowdoin, Esq.	20,000	Francis Gabriel Auguste de Cossand, of Paris.	7,500
James Brown, Esq. of Leeds, England.		Rev. Nathaniel A. Coster, of Newfoundland.	
Candelaria Yradi de Bell, of St. Jago de Cuba.	7,700	Donald Cameron, Jr. ot Lochiel, Scotland.	
Richard M. Bell, of do.	5,000	Madam Louisa Paulina de Chastellux, Countess de Dames, of Paris.	23,000
His Royal Highness Charles, Sovereign Duke of Brunswick.	15,000		



The Most Honorable Francis Seymour Conway, Marquis, of Hertford, England.	8,000	Elizabeth T. Sears and William B. Perot and others, executrix of Wm. J. Sears, of Bermuda.	
Thomas Cotterell, Esq. of Birmingham, England.	17,615 38	James Stead, of Stockwell, Surry, England	15,000
William Death, of Hunsalen, Herts, England.	24,000	Andrew Service, in London	10,000
Pierree Maria Paix Dit Durieux, of South Wales.	6,581 41	Sir Thomas Charles Style, of Cloghan Lodge, Ireland, Baronet.	2,000
Marguerita Madeline Des Lessert, of Paris	11,000	Smith, Payne and Smiths—Bankers, London	35,000
Bartholomew Louis Charles Rolland, count de Erceville, of Paris.	7,500	Wm. Petteerden Shirley, of Kent, England	
Rev. George William Danberry, of Bath, England.	10,000	R. J. Thompson, Esq. of Kirby Hall, Yorkshire, England	26,609 93
Mary Caroline Evans, of Gloucester Eng.	5,000	John Todhunter, Lloyd's coffee house, London, merchant	9,000
Maria Augusta Evans, of do	11,000	Richard J. Tucker, Jr. and Thomas R. Tucker, of Bermuda	8,327 17
John Ferguson of Irvine and Andrew Service, in Lodon.	8,000	Frances Elizabeth Tucker, of do.	8,400
Elizabeth Fox, of Somersetshire, England		Eliza Scott, of St. Thomas	
Samuel Fox, do.		John Hanton Tritton, Banker of London	20,000
Francis Fisher and Wm. Jepson Fisher, of Gloucestershire, England.		Alice Tucker of St. Thomas	
Hannah Fisher, near Bristol, England, Josiah Forster, of Middlesex, England, William Henry Fellowes, Esq. of Huntingdonshire England.	8,300	Margaretta Elizabeth Uththoff, of Bremen, in Germany	5,000
Helene Francoive Ferte, Guillaume Fayre, of Geneva, Ann Selina Farrer, and Lieut. Col. William Fawcete, of Bath, England.	25,000	Rev. William Vowles and Miss Ann Vowles, of London	5,000
Gowan and Marx, of London.	97,400	Johannes de Veer and Philip Dirk Thompson Milton Spiro, of St. Eustatia	15,000
John Gray, of Brighton, England.	5,000	Charles Louis, county De Vogue, of France	4,500
William Giles, Esq. in Kent, England.	6,000	Richard Wood, of Bermuda	
Rev. James Hoby, of Lambeth, Surry, Eng.		Thomas Wilson & Co. of London	30,221 34
Martha Horne, Middlesex, England.	7,500	James Young, of Hackney, Middlesex, England	4,000
Henry Harvey, of Bermuda.		Total amount of this loan held by foreigners	\$960,339 76
William John Hurry, Merchant of Great Yarmouth, England.	6,480 26	Loan \$2,200,000.	
Robert Higgs, of Bermuda.		(To be continued.)	
Richard Bolus Hall, of Wye, England.	21,600		
John Hall, of Wye, England,	16,800		
Rev. John Hartley of Gordon Place, London.			
John Scandritt, Hartford, of Bristol, England.			
Edward Jean, of Dieppe, in France.			
Simon Knubley Esq. of Jamaica,	12,000		
Alfred Lewis, of the Stock Exchange, London.	16,356 43		
Hannah Middleton, of Somersetshire, England.			
John Marshall, of Leeds, England,	6,000		
Samuel Mills, Esq. of Russel Square, Middlesex, England.	15,000		
John Bacon Saury Morritt, Esq. of Rokeby Park, Yorkshire, England.	24,000		
Philip Louisa de Peyronnet, Baron de Saint Marce	6,700		
Ralph Nicholson Esq. of Hertfordshire, England.	15,000		
William Smith Neilson, of Trinidad.			
Robert Peele Esq. Park Crescent, Portland Place, London.	20,000		
Sophia E. Perot, of Bermuda.			
Wills, Percival & Co. Bankers, London.	30,000		
Richard F. Peniston, of Bermuda.	5,907 89		
The Hon. Mary Pelham, of Connaught Place, London.			
James Patterson, a Capt. in the Hon. East India Co.'s Service, near Dundee Scotland.	12,500		
Emmanuel Victor Pourray de l' Auberviere de Quinsonas, of France.	6,000		
Mrs. Ann Redfren, of Birmingham, England.	25,653 23		
Thomas Robins & William Forster, Bankers of Liskeard, Cornwall, England.	17,500		
Rev. James Armitage Rhodes, of Yorkshire, England.			
Thomas Alexander Raynesford, in England	10,000		

## CONNECTION WITH LAKE ERIE.

New reasons why this important improvement should be speedily completed, continually present themselves to the mind of every man—at least to the mind of every man who thinks as much about it as we have done for the last seven or eight years. Our mind may, for a time, be diverted from it, by the immense variety of occurrences which continually take place at home and abroad: our own business, or domestic concerns, or some such matter may, for a time, absorb our attention, but still, scarcely a month or a week can elapse without the development of some new matter, calculated to exhibit, in a still stronger light, the importance of a facile communication with the great Lakes.

We first agitated this matter several years ago. Since that time the great Ohio canal has been made—at once affording additional inducements to commence the connecting work, and increased facility in completing it.

On the 25th June, we published a small article in relation to the proposed canal from Lake Erie to the Wabash; by this article it appeared that twenty miles of it have already been placed under contract, and sixteen miles more would be shortly, perhaps has been before this time. This canal will be about two hundred miles in length; extends through a region surpassed, in fertility, by none in our country. When once completed it will add to the immense amount of produced poured into Lake Erie, and the upper Lakes, by the natural rivers—the total products of the vast country extending from Terre Haute, on the Wabash, to the head of the Maumee, on the Lake. But for this proposed canal this great country could get to a market only by the Wabash and Ohio. As soon as this work is completed, that and Lake Erie will afford the easiest and most direct route to market. The whole product of that fertile country must be poured forth upon the bosom of Lake Erie, to seek from thence the most direct, the earliest, and the cheapest route to a market.

Besides every newspaper from Buffalo, from Erie, from Detroit, announces that a continual stream of migration is pouring into the Michigan Territory, and that

country, which in 1800, contained only 550 inhabitants will, probably, in 1850, contain a half a million. The whole surplus produce of their labor must be put afloat in the first instance on Lake Erie. Lake Erie, therefore, seems destined to be the great reservoir to which the produce of the immense northern and western territory will be as naturally directed, as are its waters. Sharp-witted self interest will as certainly direct the produce of this country to Lake Erie, on its way to a market, as gravity does the water on its way to the ocean. Whether this produce eventually proceeds to Montreal, to New York, to Philadelphia, or Baltimore, it must pass over Lake Erie, or at least a portion of it. The contest for its conveyance must, therefore, commence somewhere on Lake Erie. If it is once suffered to enter the New York, or the Welland canal, it is utterly lost to Philadelphia and Baltimore. If it is once directed from Lake Erie towards Pittsburgh, it is secured either to Philadelphia or Baltimore, and for ever lost to Montreal and New York.

As then it seems manifest that this struggle must commence here, what advantages have we in this contest with Montreal and New York? These are our advantages, and they are decisive. Lake Erie is clear of ice at least four weeks sooner every spring, and four weeks longer every fall at Cleaveland than at Buffalo. So that a man sending a cargo of produce by the Ohio, and the cross cut and Pennsylvania canal to Philadelphia, can dispose of it and forward his return cargo, before he could reach Buffalo. In the fall, also, we possess a decided advantage, the harbor at Cleaveland being accessible much longer, and later than Buffalo.

Suppose some human power, with competent authority, had declared that the harbor at Cleaveland should be open for navigation four weeks sooner every spring, and as much later every fall than that at Buffalo, would we not view this as a very high protective tariff in favor of our canal? Would we not consider it as almost equal to a prohibition of the use of the N. York Canal? Well, nature has, and annually does this very thing, by a law more efficient than any of mere human authority. Will Pennsylvania, then, neglect or refuse to avail herself of this decided advantage, conferred upon her by the hand of the Almighty? She has before her a noble prize to contend for, and every assurance of success by proper exertions. Will she prove recreant to her duty? We trust not.—*Pittsburgh Gazette.*

HEALTH OF PITTSBURGH.—We publish, to day, an extract of the Board of Consulting Physicians, in this city, in which they intimate, very strongly, the opinion that the use of stone coal operates as a strong counteracting influence to the spread of the Cholera. It is certainly a very remarkable circumstance that the Cholera has been among us now for more than a month, and that, during all that time, out of a population of about 30,000 souls, we have not lost as many as died at Wheeling, or Maysville, or Lexington, in three days.

Those three towns, with a population, we believe, not exceeding eighteen thousand, lost more persons, in a single day, than Pittsburgh and vicinity have lost, by the same disease, in two years, and two separate visits of that scourge. That an abundant use of stone coal does exercise a powerful influence upon our atmosphere, is proved by other facts. An experienced Physician, who has practised extensively both eastward and westward, and who has resided in Pittsburgh more than four years, and during that period enjoyed a respectable practice, assures us that he has never seen a single genuine indigenous case of that loathsome disease, the itch, since he came here. He also states that the summer complaint, or cholera infantum, does not prevail to one-tenth part of the extent it does in other towns to the east and west of this place, and that the mortality arising from that complaint does not amount to one-twentieth part.—*Ib.* (See page 46.)

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the State Capitol—Harrisburg, Pennsylvania,

By JAMES WRIGHT, Librarian.

MAY, 1833.

Time of observation at 9 A. M. and 1 and 5 o'clock P. M.

Days of the Month	Days of Week.	Morning temperature.	Noon temperature.	Even. temperature	Mean temp. of day	WINDS.
Thermometer.						
1	Wednesd	56	72	68	65	S E
2	Thursd'y	58	76	78	71	N W
3	Friday	52	65	62	60	S W
4	Saturday	50	60	54	55	S E
5	Sunday	56	69	63	63	N
6	Monday	60	69	70	66	N
7	Tuesday	70	80	76	75	N W
8	Wednesd	70	82	80	77	N
9	Thursd'y	70	83	78	77	S
10	Friday	60	65	60	62	S E
11	Saturday	60	69	70	66	S E
12	Sunday	68	79	70	72	S E
13	Monday	70	76	75	74	S E
14	Tuesday	69	78	73	73	S E
15	Wednesd	69	74	76	74	E
16	Thursd'd	66	78	69	71	E
17	Friday	63	78	73	71	S E
18	Saturday	66	78	78	74	S
19	Sunday	66	78	74	73	N
20	Monday	66	70	68	68	E
21	Tuesday	62	76	73	70	N E
22	Wednesd	62	76	70	69	N W
23	Thursd'y	62	74	70	69	S W
24	Friday	59	68	67	65	N E
25	Saturday	55	57	56	56	N E
26	Sunday	57	78	70	68	S W
27	Monday	65	74	70	70	E
28	Tuesday	65	68	68	67	E
29	Wednesd	65	66	67	66	E
30	Thursd'y	54	60	65	60	W
31	Friday	55	60	65	60	W

Thermometer.

Maximum on the 8th,	77°
Minimum on the 4th,	55°
Difference	22°
Mean	70°

Atmosphere.

Days of the month.	Morning	Afternoon.
1 2 3 5 6 8 9 15 18		
22 30 31	12 days	Fair
23	1 day	Fair
24 26	2 days	Fair
13 27	2 days	Cloudy
4 7 17 19 28	5 days	Cloudy
10 11 12 14 16 20		
21 25 29	9 days	Rain
Days of the Month.		Wind.
5 6 8 19	4 days	N
21 24 25	3 days	N E
15 16 20 27 28 29	6 days	E
1 4 10 11 12 13 14 17	8 days	S E
9 18	2 days	S
3 23 26	3 days	S W
30 31	2 days	W
2 7 22	3 days	N W



On the 9th at noon, Thermometer at 83° the highest. On the 4th in the morning, at 50° the lowest. Range 33°.

The wind has been 17 days east of the Meridian, 8 days west of it, 4 days north, and 2 south.

There was rain on the 10th, 11th, 12th 13th, 14th, 16th, 20th, 21st, 23d, 25th, 27th and 29th. The heaviest on 14th and 20th.

Mean temperature of this month 6°, warmer than last May.

Extract from the Report of the Board of Consulting Physicians.

PITTSBURGH, July 8, 1833.

To Samuel Pettigrew, Esq.

Sir—In reply to a letter addressed by the Sanitary Board to the Board of Consulting Physicians, requesting them "to make a communication to the public, containing such recommendations to guard against the prevailing epidemic, as they may think expedient to preserve the public health," the following is respectfully submitted:

Whatever may be the cause by which the course that cholera has been accustomed to pursue in other places, has been checked in this city, our citizens have much reason for self-felicitation, and thankfulness to the Divine disposer of all events, for the exemption we have hitherto enjoyed from its ravages.

From the fact that it has made its appearance a second time in our city, and, at each time, obtained a fair introduction amongst us, carrying off from 25 to 30 persons at the first, and about the same number at the present visitation, but still not prevailing to any considerable extent, there is some little plausibility thrown over the supposition, that there is, in our local atmosphere, something unfavorable to its propagation. There is no city in the United States, and probably none in Europe, of the same limits, and population, where as much bituminous stone coal is consumed as in Pittsburgh. Beside the immense quantity consumed, daily, in our numerous and extensive manufactories, it is exclusively used in our houses and kitchens for fuel. Chemical changes are therefore constantly going on, on a very extensive scale, which gives us, at least, a peculiar condition of atmosphere. It has been computed that several tons of sulphur are daily thrown off, within our limits, by the combustion of stone coal; many important gases are also disengaged, to mingle in every breath we breathe, and possibly to exert a direct agency in neutralizing or modifying the unseen, and, as yet, unknown, cause of cholera, and perhaps of other diseases. It is remarkable that intermittent fevers, and diseases produced by malarial emanations, have never prevailed extensively in this city. In many of the town and cities in the western and southern sections of the United States, where such emanations are abundant, the mortality, from cholera, has been very great. How far the introduction of coal, as an article of fuel, would counteract the evil, is, at least, a subject worthy of consideration. In London the mortality from all other diseases has materially decreased since the introduction of coal; and in London, Manchester, and Liverpool, in all of which, coal is now very generally used, the mortality of cholera has been comparatively light, in proportion to the population. These considerations, though not strictly within the scope of this communication, are thrown out for the purpose of imparting a feeling of confidence and firmness to the minds of our citizens, so far as that may reasonably be done, and, also, with reference to the important bearing they must have, if confirmed by future experience, on the prospects and interests of Pittsburgh.

It is evident, however, that the epidemic influence, producing cholera asphyxia, with all its characteristic symptoms, has been, for the last month, extensively at work among us. About 30 of our citizens have fallen

victims to it, and, probably, eight-tenths of our population have labored under different shades and degrees of its premonitory symptoms, which, in circumstances better suited to its propagation, would have terminated, in a large proportion, in confirmed cholera. It is therefore proper to observe, most rigidly, all those precautions in diet, and modes of living, which experience has proved to be the best safeguards against the disease.

July 9, 10 o'clock, A. M.

P. S.—Within the week, ending this morning, the deaths from Cholera have been:

In private practice,	8
At the Hospital,	4
Bayardstown,	1

Making 33 deaths, in a population of 20,000, since the 11th of last month, the date at which the first original case occurred in this city. During yesterday, and the day before, no deaths have occurred.

JAMES R. SPEER, M. D.

Secretary.

### METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the State Capitol—Harrisburg, Pennsylvania,

By JAMES WRIGHT, Librarian.

JUNE, 1833.

Time of observation at 9 A. M. and 1 and 5 o'clock P. M.

Days of the Month.	Days of Week.	Morning temperature.	Noon temperature.	Even. temperature.	Mean temp. of day.	WINDS.
Thermometer.						
1 Saturday		56	65	68	63	S W
2 Sunday		60	70	73	68	S
3 Monday		70	75	66	70	N W
4 Tuesday		54	69	57	60	N
5 Wednesday		56	67	67	63	S W
6 Thursday		64	66	66	65	E
7 Friday		64	66	68	66	E
8 Saturday		66	70	68	68	N E
9 Sunday		52	68	70	63	W
10 Monday		55	68	70	64	W
11 Tuesday		55	73	73	67	N W
12 Wednesday		64	80	73	72	N W
13 Thursday		70	78	70	73	W
14 Friday		70	78	70	73	S W
15 Saturday		65	78	75	73	S W
16 Sunday		63	72	74	73	W
17 Monday		64	74	76	71	W
18 Tuesday		64	75	74	71	N E
19 Wednesday		63	66	65	65	S E
20 Thursday		63	65	69	66	S E
21 Friday		67	75	76	73	N E
22 Saturday		67	78	76	77	N W
23 Sunday		68	76	76	73	S E
24 Monday		70	73	70	71	N E
25 Tuesday		56	62	68	62	W
26 Wednesday		56	68	70	65	W
27 Thursday		58	70	70	66	W
28 Friday		60	70	70	73	N W
29 Saturday		58	70	73	67	N W
30 Sunday		62	76	76	71	N W

Thermometer.

Maximum on the 13th,	-	-	-	73°
Minimum on the 4th,	-	-	-	60°
Difference	-	-	-	13°
Mean	-	-	-	68°



*Atmosphere.*

Days of the month.														<i>Morning Afternoon.</i>	
1	3	4	9	10	11	12	13	14							
16	17	18	22	23	25	27								18 days	Fair
29	30													2 days	Fair
5	28													1 day	Fair
15														2 days	Rain
7	21													1 day	Cloudy
8														4 days	Rain
2	6	20	24											1 day	Cloudy
19														1 day	Rain
26															Fair

<i>Days of the Month.</i>														<i>Wind.</i>	
4														1 day	N
8	18	21	24											4 days	N E
6	7													2 days	E
19	20	23												3 days	S E
2														1 day	S
1	5	14	15											4 days	S W
9	10	13	16	17	25	26	27							8 days	W
3	11	12	22	28	29	30								7 days	N W

On the 12th at noon, Thermometer at 80° the highest.  
On the 9th in the morning, at 52° the lowest. Range 28°

The wind has been 9 days east of the Meridian, 19 days west of it, 1 day north and 1 south.

There was rain the 2d, 6th, 7th, 15th, 19th, 20th, 21st, 24th and 26th. Thunder shower on the 2d.

Mean Temperature of this month 3° colder than last June.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Thursday evening, June 20, 1833.

**SELECT COUNCIL.**—The following communication from the Trustees of the Girard College was received and laid on the table.

To the Select and Common Councils of the city of Philadelphia.

Board of Trustees of the Girard College for Orphans.  
June 20th, 1833.

Gentlemen,—I have the honor to transmit to you a copy of a resolution, adopted at the meeting of that Board on the 18th inst. and remain

Very respectfully yours,

N. BIDDLE, President.

At a special meeting of the Board of Trustees of the Girard College for Orphans, held June 18, 1833, it was

Resolved, That the City Councils be requested to place at the disposal of this Board, the sum of Twenty-five Hundred Dollars, for defraying the expenses attending the collection of information and prosecution of inquiries, in order to the preparation by the Board of a system of government and instruction for the Girard College for Orphans, and also for defraying the general expenses of the Board.

From the minutes.

In the absence of the Secretary,

N. BIDDLE, President.

Mr. Groves offered the following resolution relative to certain lamps, which was read and laid upon the table.

Resolved, That no argand or other lamp erected in certain parts of the city which consume more oil or require greater attention than the lamps now commonly used shall hereafter be lighted, unless a sufficient number of persons shall agree to pay all extra expenses which may be incurred in lighting and keeping in order the said lamps,—and if the provisions of this resolution are not complied with in thirty days from the passage

thereof, that the City Commissioners shall be and are hereby authorised to remove all lamps which consume an extra quantity of oil and require greater attention than the ordinary lamps, and fix up and light others of the common kind in place of the same.

Mr. Massey reported an ordinance relating to Delaware avenue, which was ordered to be printed.

### AN ORDINANCE

For laying out a Passage, or Street, from Vine to Cedar street, to be called the Delaware Avenue.

Whereas, by an act of Assembly, passed on the 24th day of March, 1832, entitled "An Act to enable the Mayor, Aldermen, and Citizens of Philadelphia, to carry into effect certain improvements, and execute certain trusts," it is made lawful for the Corporation of the City of Philadelphia to lay out a passage or street on the east part of the City of Philadelphia, fronting the river Delaware, not less than twenty-one feet wide, and to be called the Delaware Avenue, extending from Vine to Cedar street, in manner as therein provided. Now, therefore,

Sect. 1. Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Council assembled, That a passage, or street, to be called the Delaware Avenue, shall be laid out of the uniform width of twenty-six feet throughout the whole Delaware front of the city, extending from Vine to Cedar street, according to a certain plan and description made under the authority of the Select and Common Council of the city, by Samuel Hains, City Surveyor, which plan and description are annexed to, and made a part of this ordinance; and that the courses and width of said Avenue shall henceforth conform, in all respects, to the said plan and description.

Sect. 2. Be it further ordained and enacted, &c. That the Delaware Avenue, as laid out by the first section of this ordinance be, and the same is hereby opened as a common and public highway, and that it shall be the duty of the attorney and solicitor for the Corporation to make, or cause to be made, a record of the same in the Court of Quarter Sessions of the County of Philadelphia accordingly.

Mr. Lippincott reported the annexed ordinance, which was passed by the Select Council, but was not acted on in the Common Council.

A message was received from the Common Council, containing a communication from Jacob Alter, addressed to that body in relation to the Girard lands.

A resolution was also received from the Common Council, authorising the City Commissioners to land stone at the drawbridge, in which the Select Council concurred.

The Select Council likewise concurred in a resolution relative to the statue of Stephen Girard, with an amendment charging the same to Appropriation number 21.

A report was received from the committee in Common Councils, to whom was referred the petition of F. Graff, Esq. with a resolution allowing him \$4,000 compensation for extra services as superintendent of the Water Works,—which were concurred in by the Select Council.

The Select Council then proceeded in joint session with the Common Council, to the election of Superintendent of the Girard College, which resulted in the choice of Jacob Souder, Esq. for that office.

Mr. Lippincott presented an ordinance appropriating the sum of \$2500 to the Trustees of Girard College, which was passed.

### AN ORDINANCE

For the Appropriation of the sum of twenty-five hundred dollars to the use of the Trustees of the Girard College.

Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Council assembled, That the sum of twenty-five hundred dollars be, and



the same is hereby appropriated to the use of the Trustees of the Girard College, and that the Mayor of the City be requested to draw his order for the same, to be charged to the fund bequeathed for the College by Stephen Girard.

One or two additional resolutions on other subjects were then concurred in, and the Council adjourned.

COMMON COUNCIL, Thursday, June 20, 1833.

A communication was received from the Board of Trustees of the Girard College, containing the proceedings of the Board, with a resolution to appropriate \$2,500 to be at the disposal of the Board, which was laid before Councils. This led to some debate, in which Mr. Gowan objected to the Board having the control of the funds, without a specific object, as not officially correct, although he had the highest confidence in their integrity; and contended that the appropriations should be specifically made by Councils. On motion, the resolution was laid on the table.

A letter from Jacob Alter was received, proposing a sale or division of the undivided tracts of land, in Schuylkill county, which he had held in conjunction with the late Stephen Girard, which was referred to the committee of the Girard lands out of the county of Philadelphia.

To the President and Members of the Select and Common Councils.

Gentlemen,—I own an undivided one-fourth part of 13 tracts of land, situate on the head waters of the Mahonoy, in Rush Township, Schuylkill county, containing together, by recent survey, upwards of five thousand five hundred and twenty acres. The other three-fourths were purchased by the late Stephen Girard sometime before his death, and which, by his last will, he devised to the Mayor, Aldermen and citizens of Philadelphia, as his residuary legatees. Therefore the said 13 tracts belong to the city of Philadelphia and myself, in the proportion above mentioned, as tenants in common, and as the improvements of that region of country are steadily progressing and particularly in the neighborhood of those lands, make me desirous to have my portion more clearly defined; or I would have no objection to dispose of my individual interest in the same, at a fair valuation, in which ever way you may consider to accord best with the intentions of the Testator, or most beneficial to the city. Very respectfully your fellow citizen,

JACOB ALTER.

June 20th, 1833.

Mr. Gilder offered a resolution, authorising the City Commissioners to occupy the north side of the Drawbridge Wharf, for the purpose of landing paving stone, for the use of the city, which was adopted.

Common Council concurred in the amendments of the Select Council to the resolutions passed at last meeting relative to the statue of Stephen Girard.

The resolution reported by the Committee on the memorial of Frederic Graff, (published among the proceedings of the last Councils,) was considered and adopted.

The report of the Committee, charged with superintending the printing of the ordinances of the Corporation, was read, the report accepted, and the Committee discharged.

The Councils, in joint meeting, now went into an election of Superintendent of the Girard College buildings; and the applications from the following candidates were read:—Adam Traquair, Joseph Strahan, John M. Ogden, Joseph Ogden, Joseph Morris, Wm. Garrigues, Jacob Souder, George Senneff, John Hicks, Tiberius Jefferson Bryant, and Mr. Corfield. The tellers having reported that 28 votes were received, of which 16 were given for Jacob Souder; he was declared to be duly elected.

And the Councils adjourned.

LONGEVITY.—One of the most interesting objects which attracted our attention, at the Fourth of July celebration on Thursday last, was the appearance of an old veteran leaning on his staff, and recounting to circles of interested hearers, tales of olden time. His name is MICHAEL STEFFY, and is upwards of one hundred and five years of age. He resides in Cocalico township in this county, and although bearing about him many of the marks of his extreme age, he is as active as many whom we have seen whose heads were whitened by the snows of eighty winters. As evidence of this, we need only state, that he walked from Adamstown to Lancaster, a distance of between 20 and 30 miles, in part of two days. He was in the battle of Trenton, and there received several severe sabre wounds. At the battle of Germantown, his captain was killed by his side. He has worked since the revolution, as a common laborer, but says he has never drunk one quart of spirituous liquors. Standing as such men do, monuments of a past age, they should receive the respect and attention to which their situation so peculiarly entitles them.—*Marietta Advocate.*

#### DELAWARE AVENUE.

At a meeting of proprietors of wharves, &c. on the River Delaware, held at the Merchant's Coffee House, on Monday the 8th instant, in relation to an avenue in contemplation to be opened, the following gentlemen, were named as Committees in each square.

They will please to meet as early as convenient and report their proceedings at the Merchants' Coffee House on Friday next, at 11 o'clock, when the proprietors will again meet to receive said report.

From Vine to Race street—John Britton, Thomas Wright, James McClure.

From Race to Arch street—Jacob Ridgway, Jacob R. Smith, Charles Harper.

From Arch to Market street—Nathan Bunker, Thomas Reeves, Jr. William Platt.

From Market to Chesnut street—John B. Newman, Samuel Grant, Benjamin Jones.

From Chesnut to Walnut street—Thomas P. Cope, Joseph R. Evans, Samuel L. Shober.

From Walnut to Spruce street—Richard Willing, Thomas Fassitt, Robert Martin.

From Spruce to Pine street—Paul Beck, Jr. George Blight, Joseph Johnson.

From Pine to South street—R. W. Sykes, Lewis Clapier, Allen Cuthbert.

JACOB RIDGWAY, Chairman.

GEORGE BLIGHT, Secretary.

#### THE REGISTER.

PHILADELPHIA, JULY 20, 1833.

Three new omnibuses have commenced running. The Stephen Girard and Independence leave the Coffee House and Schuylkill alternately every half hour, so that in connection with those previously established, a passage either way may be obtained every quarter of an hour. The new line proceeds through Walnut and Spruce streets. A stage also leaves the Navy Yard, for Kensington every hour, and *vice versa*. It passes through Second street.

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# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 4.

PHILADELPHIA, JULY 27, 1833.

NO. 291.

## REVOLUTIONARY ADVENTURE.

We copy the following interesting paper from the "New England Magazine." The circumstances are new to us.

The leading events of the war of Independence are familiar with every American, but many incidents, full of adventure, yet remain to be disclosed. There are those yet living who remember the following story:

The American authorities found much difficulty in disposing of their prisoners. They had no posts regularly fitted for the purpose, and they could suggest no better means for securing them than to place them under guard in a thickly settled part of the country, where the inhabitants were most decidedly hostile to the English. The town of Lancaster in Pennsylvania, was of those selected for this purpose. The prisoners were confined in barracks, enclosed with a stockade and vigilantly guarded. But in spite of all precaution, they often disappeared in an unaccountable manner, and nothing was heard of them till they had resumed their places in the British army. Many and various were the conjectures as to the means of their escape; the officers inquired and investigated in vain; the country was explored to no purpose; the soldiers shook their heads and told of fortune-tellers, peddlers, and such characters, who had been seen at intervals; and sundry of the more credulous could think of nothing but supernatural agency; but whether man or spirit was the conspirator, the mystery remained unbroken.

When this became known to Washington, he sent Gen. Hazen to take this responsible charge. This energetic officer, after exhausting all resources, resorted to stratagem. He was convinced that, as the nearest post was more than a hundred miles distant, the prisoners must be aided by Americans; but where the suspicion should fall, he could not even conjecture—the reproach of torism being almost unknown in that region. Having been trained to meet exigencies of this kind in a distinguished career, as colonel in the British army, his plan was formed at once, and communicated to an officer of his own, upon whose talent he relied for its successful execution. This was Capt. Lee,\* whose courage and ability fully justified the selection.

The secret plan concerted between them was this: It was to be given out that Lee was absent on furlough or command. He, meantime, was to assume the dress of a British prisoner, and having provided himself with information and a story of his capture, was to be thrown into the barracks, where he might gain the confidence of the soldiers, and join them in a plan of escape. How well Capt. Lee sustained his part may be inferred from the fact, that when he had disappeared and placed himself among the prisoners, his own officers and soldiers saw him every day without the least suspicion. The person to whom I am indebted for most of these particulars, was the Intendant of the prisoners, and familiar with Lee; but though compelled to see him often in the discharge of his duty, he never penetrated the disguise. Well it was for Lee that his disguise was so complete. Had his associates suspected his purpose to betray them, his history would have been embraced in the proverb, "dead men tell no tales."

For many days he remained in this situation, making no discoveries whatever. He thought he perceived at times signs of intelligence between the prisoners and an old woman who was allowed to bring fruit for sale within the enclosure. She was known to be deaf and half-witted, and was therefore no object of suspicion. It was known that her son had been disgraced and punished in the American army, but she had never betrayed any malice on that account, and no one dreamed that she could have the power to do injury if she possessed the will, Lee watched her closely, but saw nothing to confirm his suspicions. Her dwelling was about a mile distant, in a wild retreat, where she shared her miserable quarters with a dog and cat, the former of which mounted guard over the mansion, while the latter occasioned superstitious fears, which were equally effectual in keeping visitors away.

One dark stormy night in autumn, Lee was lying awake at midnight, meditating on the enterprise he had undertaken, which though in the beginning it had recommended itself to his romantic disposition, had now lost all its charms. It was one of those tempests, which in our climate so often hang upon the path of the departing year. His companions slept soundly, but the wind which shook the building to its foundation, and threw heavy splashes of rain against the window, conspired with the state of his mind to keep him wakeful. All at once the door was gently opened, and a figure moved silently into the room. It was too dark to observe its motions narrowly, but he could see that it stooped towards one of the sleepers, who immediately rose; next it approached and touched him on the shoulder. Lee immediately started up; the figure then allowed a slight gleam from a dark lantern to pass over his face, and as it did so, whispered, impatiently, "not the man—but come!" It then occurred to Lee that it was the opportunity he desired. The unknown whispered to him to keep his place till another man was called; but just at that moment something disturbed him, and making a signal to Lee to follow, he moved silently out of the room.

They found the door of the house unbarred, and a small part of the fence removed, where they passed out without molestation; the sentry had retired to a shelter where he thought he could guard his post without suffering from the rain; but Lee saw his conductors put themselves in preparation to silence him if he should happen to address them. Just without the fence appeared a stooping figure, wrapped in a red cloak, and supporting itself with a large stick, which Lee at once perceived could be no other than the old fruit woman. But the most profound silence was observed; a man came out from a thicket at a little distance and joined them, and the whole party moved onward by the guidance of the old woman. At first they frequently stopped to listen, but having heard the sentinel cry "all's well," they seemed re-assured, and moved with more confidence than before.

They soon came near to her cottage under an overhanging bank, where a bright light was shining out from a little window upon the wet and drooping boughs that hung near it. The dog received them graciously, and they entered. A table was spread with some coarse provisions upon it and a large jug, which one of the soldiers was about to seize, when the man who conduct-

\* Who was this Capt. Lee?



ed them withheld him. "No," said he, "we must first proceed to business." He then went to a small closet, from which he returned with what seemed to have been originally a Bible, though now it was worn to a mahogany color and a spherical form. While they were doing this, Lee had time to examine his companions; one of them was a large quiet looking soldier, the other a short stout man with much of the aspect of a villain. They examined him in turn, and as Lee had been obliged formerly to punish the shorter soldier severely, he felt some misgivings when the fellow's eyes rested upon him. The conductor was a middle aged harsh looking man, whom Lee had never seen before.

As no time was to be lost, their guide explained to them in few words, that before he should undertake his dangerous enterprise, he should require of them to swear upon the Scriptures not to make the least attempt to escape, and never to reveal the circumstances or agents in the proceeding, whatever might befall them. The soldiers however insisted on deferring this measure till they had formed some slight acquaintance with the contents of the jug, and expressed their sentiments on the subject rather by actions than words. In this they were joined by Lee, who by this time had begun to contemplate the danger of his enterprise in a new and unpleasant point of view. If he were to be compelled to accompany his party to New York, his disguise would at once be detected, and it was certain he would be hanged as a spy. He had supposed beforehand, that he should find no difficulty in escaping at any moment; but he saw that their conductor had prepared arms for them, which they were to use in taking the life of any one who should attempt to leave them—and then the oath. He might possibly have released himself from its obligations, when it became necessary for the interests of his country, but no honorable man could well bear to be driven to an emergency, in which he must violate an oath, however reluctantly it was taken. He felt that there was no retreating, when there came a heavy shock as of something falling against the sides of the house; their practised ears at once detected the sound of the alarm gun, and their conductor, throwing down the old Bible which he had held all the while impatiently in his hand, directed the party to follow him in close order, and immediately quitted the house, taking with him his dark lantern.

They went on with great despatch, but not without difficulty. Sometimes their footing would give way on some sandy bank or slippery field; and when their path led through the woods, the wet boughs dashed heavily in their faces. Lee felt that he might have deserted his precious companions while they were in this hurry and alarm; but he felt that as yet he had made no discoveries, and however dangerous his situation was he could not bear to confess that he had not nerve to carry him through. On he went, therefore, for two or three hours, and was beginning to sink with fatigue, when the barking of a dog brought the party to a stand. Their conductor gave a low whistle, which was answered at no great distance, and a figure came forward in the darkness, who whispered to their guide and then led the way up to a building which seemed by the shadowy outline to be a large stone barn. They entered it and were severally placed in small nooks where they could feel that the hay was all around them except on the side of the wall. Shortly after some provisions were brought to them with the same silence, and it was signified to them that they were to remain concealed the whole of the coming day. Through a crevice in the wall, Lee could discover as the day came on, that the barn was attached to a small farm house. He was so near the house that he could overhear the conversation which was carried on about the door. The morning rose clear, and it was evident from the inquiries of horsemen, who occasionally galloped up to the door, that the country was alarmed. The farmer gave short and surly replies, as if unwilling to be taken off from his labor, but the

other inmates of the house were eager in their questions, and from the answers, Lee gathered that the means by which he and his companions had escaped were as mysterious as ever.

The next night, when all was quiet, they resumed their march, and explained to Lee that, as he was not with them in their conspiracy, and was accidentally associated with them in their escape, they should take the precaution to keep him before them, just behind the guide. He submitted without opposition, though the arrangement considerably lessened his chances of escape. He observed, from the direction of the stars, that they did not move in a direct line towards the Delaware, but they changed their courses so often that he could not conjecture at what point they intended to strike the river. He endeavored, whenever any peculiar object appeared, to fix it in his memory as well as the darkness would permit, and succeeded better than could have been expected, considering the agitated state in which he travelled.

For several nights they went on in this manner, being delivered over to different persons, from time to time; and as Lee could gather from their whispering conversations, they were regularly employed on occasions like the present, and well rewarded by the British for their services. Their employment was full of danger; and though they seemed like desperate men, he could observe that they never remitted their precautions. They were concealed days in barns—cellars—caves made for the purpose, and similar retreats, and one day was passed in a tomb, the dimensions of which had been enlarged, and the inmates, if there had been any, banished to make room for the living. The burying grounds were a favorite retreat, and on more occasions than one they were obliged to resort to superstitious alarms to remove intruders upon their path; their success fully justified the experiment, and, unpleasantly situated as he was, in the prospect of soon being a ghost himself, he could not avoid laughing at the expedition with which old and young fled from the fancied apparitions under clouds of night, wishing to meet such enemies, like Ajax, in the face of day.

Though the distance to the Delaware was not great, they had now been twelve days on the road, and such was the vigilance and suspicion prevailing throughout the country, that they almost despaired of effecting their object. The conductor grew impatient, and Lee's companions, at least one of them, became ferocious. There was, as we have said, something unpleasant to him in the glances of this fellow towards him, which became more and more fierce as they went on; but it did not appear whether it was owing to circumstances or actual suspicion. It so happened that on the twelfth night, Lee was placed in a barn, while the rest of the party sheltered themselves in the cellar of a little stone church, where they could talk and act with more freedom, both because the solitude of the church was not often disturbed even on the Sabbath—and because even the proprietors did not know that illegal hands had added a cellar to the conveniences of the building.

The party was seated here as the day broke, and the light, which struggled in through the crevices, opened for the purpose, showed a low room about twelve feet square, with a damp floor and large patches of white mould upon the walls. Finding probably, that the pavement afforded no accommodations for sleeping, the worthies were seated each upon a little cask, which seemed like those used for gunpowder. Here they were smoking pipes with great diligence, and, at intervals not distant, applying a huge canteen to their mouths, from which they drank with upturned faces, expressive of solemn satisfaction. While they were thus engaged, the short soldier asked them in a careless way, if they knew whom they had in their party? The others started, and took their pipes from their mouths to ask him what he meant. "I mean," said he, "that we are honored with the company of Captain Lee, of



the rebel army. The rascal once punished me, and I never mistook my man when I had a debt of that kind to pay. Now I shall have my revenge."

The others hastened to express their disgust at his ferocity, saying, that if, as he said, their companion was an American officer, all they had to do was to watch him closely. They said that, as he had come among them uninvited, he must go with them to New York, and take the consequences; but meantime, it was their interest not to seem to suspect him, otherwise he might give an alarm, whereas it was evidently his intention to go with them till they were ready to embark for New York. The other person persisted in saying that he would have his revenge with his own hand, upon which the conductor, drawing a pistol, declared to him that if he saw the least attempt to injure Capt. Lee, or any conduct which would lead him to suspect that his disguise was discovered, he would that moment shoot him through the head. The soldier put his hand upon his knife, with an ominous scowl upon his conductor, but seeing that he had to do with one who was likely to be as good as his word, he restrained himself, and began to arrange some rubbish to serve him for a bed. The other soldier followed his example, and their guide withdrew, locking the door after him.

The next night they went on as usual, but the manner of their conductor showed that there was more danger than before; in fact, he explained to the party that they were now not far from the Delaware, and hoped to reach it before midnight. They occasionally heard the report of a musket, which seemed to indicate that some movement was going on in the country. Thus warned, they quickened their steps, and it was not long before they saw a gleam of broad clear light before them, such as is reflected from calm waters, even in the darkest night. They moved up to it in deep silence; there were various emotions in their breasts; Lee was hoping for an opportunity to escape from an enterprise which was growing too serious, and the principal objects of which were already answered; the others were anxious lest some accident might have happened to the boat on which they depended for crossing the stream.

When they came to the bank there were no traces of a boat on the waters. Their conductor stood still for a moment in dismay; but recollecting himself, he said it was possible it might have been secured lower down the stream, and, forgetting every thing else, he directed the larger soldier to accompany him, and giving a pistol to the other, he whispered, "if the rebel officer attempts to betray us, shoot him; if not, you will not, for your own sake, make any noise to show where we are." In the same instant they departed, and Lee was left alone with the ruffian.

He had before suspected that the fellow knew him, and now doubts were changed to certainty at once. Dark as it was, it seemed as if fire flashed from his eye, now he felt that revenge was within his power. Lee was as brave as any officer in the army; but he was unarmed, and though he was strong, his adversary was still more powerful. While he stood, uncertain what to do, the fellow seemed enjoying the prospect of revenge, as he looked on him with a steady eye. Though the officer stood to appearance unmoved, the sweat rolled in heavy drops from his brow. He soon took his resolution, and sprang upon his adversary with the intention of wresting the pistol from his hand; but the other was upon his guard, and aimed with such precision, that had the pistol been charged with a bullet, that moment would have been his last. But it seemed that the conductor had trusted to the sight of his weapons to render them unnecessary, and had therefore only loaded them with powder; as it was, the shock threw Lee to the ground; but, fortunately as the fellow dropped the pistol, it fell where Lee could reach it, and as his adversary stooped, and drawing his knife from his bosom, Lee was able to give him a stunning blow. He immediately threw himself upon the assassin, and a long and

bloody struggle began; they were so nearly matched in strength and advantage, that neither dared unclench his hold for the sake of grasping the knife; the blood gushed from their mouths, and the combat would have probably ended in favor of the assassin, when steps and voices were heard advancing, and they found themselves in the hands of a party of countrymen, who were armed for the occasion, and were scouring the banks of the river. They were forcibly torn apart, but so exhausted and breathless, that neither could make any explanation, and they submitted quietly to their captors.

The party of the armed countrymen, though they had succeeded in their attempt, and were sufficiently triumphant on the occasion, they were sorely perplexed how to dispose of their prisoners. After some discussion, one of them proposed to throw the decision upon the wisdom of the nearest magistrate. They accordingly proceeded with their prisoners to his mansion, about two miles distant, and called upon him to arise and attend to business. A window was hastily thrown up, and the justice put forth his night-capped head, and with more wrath than became his dignity, ordered them off; and, in requital for their calling him out of bed in the cold, generously wished them in the warmest place. However, resistance was vain; he was compelled to rise; and, as soon as the prisoners were brought before him, he ordered them to be taken in irons to the prison at Philadelphia. Lee improved the opportunity to take the old gentleman aside, and told him who he was, and why he was thus disguised; the justice only interrupted him with the occasional inquiry, "Most done?" When he had finished, the magistrate told him that his story was very well made, and told in a manner very creditable to his address, and that he should give it all the weight it seemed to require. And Lee's remonstrances were unavailing.

As soon as they were fairly lodged in the prison, Lee prevailed on the jailor to carry a note to Gen. Lincoln, informing him of his condition. The General received it as he was dressing in the morning, and immediately sent one of his aids to the jail. That officer could not believe his eyes that he saw Capt. Lee. His uniform, worn out when he assumed it, was now hanging in rags about him, and he had not been shaved for a fortnight; he wished very naturally, to improve his appearance before presenting himself before the Secretary of War; but the orders were peremptory to bring him as he was. The General loved a joke full well; his laughter was hardly exceeded by the report of his own cannon; and long and loud did he laugh that day.

When Capt. Lee returned to Lancaster, he immediately attempted to retrace the ground; and so accurate, under all the unfavorable circumstances, had been his investigation, that he brought to justice fifteen persons, who had aided in the escape of British prisoners. It is hardly necessary to say to those who know the fate of revolutionary officers, that he received for his hazardous, and effectual service, no reward whatever. P.

From the Journal of Health.

## MINUTES

OF THE PROCEEDINGS OF THE UNITED STATES TEMPERANCE CONVENTION.

[Duly recorded and copied out by one of the Secretaries.]

Pursuant to an invitation of the American Temperance Society, the delegates appointed by the several Temperance Associations in the United States, assembled in Convention at the Hall of Independence, in the city of Philadelphia, on the 24th day of May, 1833, with the view to consider the best means of extending, by a general diffusion of information, and the exertion of a kind and persuasive moral influence, the principle of abstinence from the use of Ardent Spirit throughout our country.



The Convention was organized by the appointment of the following officers:

President, Reuben H. Walworth, of the State of New York.

Vice Presidents, Roberts Vaux, of Pennsylvania; John Tappan, of Massachusetts; Timothy Pitkin, of Connecticut; Peter D. Vroom, of New Jersey; Judge Hall, of Delaware; John C. Herbert, of Maryland; Col. Lumpkin, of Georgia; William A. M'Dowell, of South Carolina.

Secretaries, Mark Doolittle, of Massachusetts; John Marsh, of Connecticut; John Wheelwright, of New York; Lyndon A. Smith of New Jersey; Isaac S. Loyd, of Pennsylvania; Judge Darling, of do.; Robert Breckenridge of Maryland; Daniel W. Lathrop, of Ohio.

After supplication that the blessing of Almighty God might rest upon the labours of the Convention, and guide and direct it by his wisdom in all its deliberations, the Circular of the American Temperance Society calling the convention was read, setting forth the object for which it had assembled.

The names of the members from each state were then called, exhibiting in all 401.

Of whom 1 was from Maine, 5 from New Hampshire, 3 from Vermont, 21 from Massachusetts, 7 from Rhode Island, 15 from Connecticut, 65 from New York, 42 from New Jersey, 139 from Pennsylvania, 11 from Delaware, 24 from Maryland, 11 from Virginia, 4 from North Carolina, 1 from South Carolina, 3 from Georgia, 11 from Ohio, 11 from Kentucky, 3 from Tennessee, 4 from Indiana, 6 from the District of Columbia, 3 from Michigan, 1 from Illinois, 1 from Missouri, and 1 from Alabama.

The room occupied by the Convention not being sufficiently large to accommodate its members, it was on motion—

Resolved, That Matthew Newkirk, Robert Earp and James Gray—be a committee to procure a more suitable place, and report to the present session.

Resolved, That all committees be appointed by the President.

Resolved, That a committee be now appointed, whose duty it shall be to prepare and digest business for the Convention, and report such subjects as in their opinion ought to claim its attention.

Resolved, That said committee consist of seven,—Whereupon the following named gentlemen were appointed:—Justin Edwards, of Massachusetts; Amos Twitchell, of New Hampshire; Charles Griswold, of Connecticut; Edward C. Delavan, of New York; Gerritt Smith, of do.; Hugh Maxwell, of do.; S. K. Talmage, of Georgia.

Resolved, That all motions be committed to writing and submitted without discussion to the committee to prepare business.

Resolved, That members of Congressional and State Legislative Societies be invited to a seat as honorary members of the Convention.

Resolved, That the deliberations of this body be each day opened with prayer.

The standing committee reported the following resolution, which, after amendment, was adopted.

Resolved, That the Convention meet each day during its session at 9 o'clock, A. M., adjourn at 1 o'clock P. M. and assemble again at half past 3 P. M.

The committee to provide a place for the meetings of the Convention—Report, that they have obtained the Fifth Presbyterian church, in Arch above Tenth street, whereupon it was

Resolved, That when this Convention adjourn, it adjourn to meet at this place, whence it shall move in procession, headed by its officers, to the place designated by the committee.

On motion adjourned.

*Afternoon.*—The Convention organized at the appointed hour, and in pursuance of the resolution adopt-

ed at the former session, proceeded to the Fifth Presbyterian church.

The following resolutions reported by the standing committee were then considered and adopted with amendment.

Resolved, That no member of the Convention be allowed to occupy more than ten minutes in the remarks he may make before the Convention at any one time, and that he shall not be allowed to speak more than twice, on any subject or question without in either case obtaining the unanimous consent of the Convention.

Resolved, That notice be given in the Churches and newspapers of Philadelphia, that a Temperance meeting will be held in the city next Monday at half past 7 o'clock, P. M. for the general attendance of the citizens and others.

The standing committee reported a series of resolutions, the following of which were severally considered, and after some amendments, adopted.

1. Resolved, That in our judgment it is the duty of all men to abstain from the use of ardent spirit, and from the traffic in it.

2. Resolved, That it is in our view expedient that all who are acquainted with this subject, unite with Temperance Societies.

3. Resolved, That we regard with peculiar satisfaction the formation of the American Congressional Temperance Society, and express our decided conviction that should similar societies be formed by the Legislatures of each State, they would greatly benefit our country and the world.

4. Resolved, That the regulation adopted by the National Government for discouraging the use of Ardent Spirit, in the Army and Navy of the United States, is a mark of wisdom and paternal care in the rulers of the people over the individuals employed in their service.

5. Resolved, That the abolition of the practice of furnishing merchant vessels with Ardent Spirit, or employing men who drink it to navigate them, would greatly promote the interests of the country.

6. Resolved, That Temperance Societies in all mechanical and manufacturing establishments, while they would promote the pecuniary interest of all concerned in them, would also in various ways promote the good of the public.

7. Resolved, That the formation of a Temperance Society in each ward of every city, and in each district of every county and town in the United States, would tend powerfully to complete, and to perpetuate the Temperance reformation.

8. Resolved, That each State Society be requested to take the direction of the temperance cause within its own limits, and to employ one or more permanent agents, to visit periodically every part of the State, and to devote their whole time and strength to the promotion of this work.

9. Resolved, That each family in the United States be requested to furnish themselves with some temperance publication.

10. Resolved, That the increase of temperance grocers, public houses and steam-boats, in which Ardent Spirit is not furnished, is highly auspicious to the interest of our country, and that the friends of human happiness by encouraging such establishments in all suitable ways, till they shall become universal, will perform an important service to mankind.

11. Resolved, That it be earnestly recommended to all emigrants who contemplate removing in a body from foreign countries to the United States, and also to those who contemplate removing from one part of our own country to another, before their removal to form themselves into a Temperance Society.

On motion, Resolved, That the committee of arrangement appointed by the Pennsylvania State Temperance Society to provide for holding this Convention, be re-



quested to make suitable provision for the meeting to be held on Monday evening next.

Resolved, That the committee to prepare business, be appointed to provide speakers for the meeting on Monday evening.

Resolved, That the reporters of the daily papers of this city be allowed a convenient place for the object in the Convention.

Resolved, That the Sexton of this church be appointed doop-keeper to this Convention.

On motion adjourned.

SATURDAY, *May 25th.*—The Convention met at the stated hour, and was opened with prayer by Dr. Hewitt, of Connecticut.

The minutes of the preceding day were read, and with some alterations, approved.

On motion, Resolved, That the Secretaries have power to make such verbal corrections in the minutes and Resolutions, as will best express their meaning.

The consideration of the remaining Resolutions reported by the committee at the former session was then resumed, and the following, after some amendments, adopted.

12. Resolved, That it be recommended to Temperance Societies and the friends of temperance of every description, to obtain as full and accurate statistics as possible, and embody them for the benefit of the community in their Annual Reports—to be communicated at the simultaneous meetings—especially on the following points, viz:

What is the population?

What number belong to Temperance Societies?

How many have been added to them the past year?

How many have renounced the traffic?

How many Groceries and how many Taverns in which Ardent Spirit is not sold?

How many continue to sell, and what quantity is now used?

How many drunkards have been reformed?

How many are now drunkards?

How many distilleries have been stopped, and how many are now in operation?

How many deaths is there reason to believe were caused by intemperance?

What proportion of pauperism and of crime is occasioned by strong drink?

How many criminals were committed the past year who drank no Ardent Spirit, and how many who did drink?

13. Resolved, That Temperance Societies and the friends of Temperance throughout the country, be requested to hold simultaneous meetings on the last Tuesday in February, 1834, to review what has been done during the past year, to consider what remains to be done, and to take such measures as may be suitable, by the universal diffusion of information and by kind moral influence, to extend and perpetuate the principles and the blessings of temperance, over our land.

14. Resolved, That a correspondence be opened with National Temperance Societies and friends of temperance in other countries—for the purpose of procuring as far as practicable, meetings, at the same time, for the same purpose throughout the world.

15. Resolved, That Editors of papers and other periodicals who from time to time publish information on the subject of temperance are rendering important service to the cause, and should all Editors adopt and pursue a similar course, they would render themselves the benefactors of mankind.

16. Resolved, That the prompt and united testimony of many physicians to the hurtful nature and destructive tendency of Ardent Spirit has been a powerful auxiliary to the Temperance cause, and should that respectable and influential class of our citizens, all exert their influence to induce the whole community to ab-

stain from the use of it, they would render themselves still more eminently useful.

17. Resolved, That it is expedient that the friends of Temperance in all countries unite their counsels and their efforts to extend the principles of Temperance throughout the world.

18. Resolved, That the fundamental and highly salutary influence which the promotion of the cause of Temperance must have on the purity and permanence of civil institutions, demand for it the countenance and active co-operation of every real patriot.

19. Resolved, That the influence of Temperance on the intellectual elevation, the moral character, the social happiness, and the future prospects of mankind, is such as ought to obtain for it the cordial approbation and the united, vigorous and persevering efforts of all the philanthropic and humane, of every class, age, sex and country.

The committee further reported the following resolution which was adopted,—

20. Resolved, That the associations of young men have been powerful auxiliaries to the Temperance cause, and should all the young men in the United States, and especially in the literary Institutions, unite in Temperance Societies, they would render themselves benefactors to our country and to the world.

The committee reported a resolution setting forth the object to be attained by Temperance Societies, which was under discussion, when the time having arrived, the Convention adjourned.

*Afternoon.*—The Convention assembled at the appointed time—and resumed the consideration of the following resolution, reported by the committee at the former session—which, after deliberate examination, was unanimously adopted,—

21. Resolved, That as the *sole object*, of the American Temperance Society and those numerous State, and other Temperance Societies, which have been formed in accordance with it, throughout our country, *ever has been, is now, and ever ought to be* the promotion of *Temperance*,—to this object alone all their efforts ought to be invariably and perseveringly directed.

The committee reported the following resolutions, which were read and adopted,—

22. Resolved, That the Medical Profession be requested to inquire whether substitutes for alcohol may not be found, and its use be dispensed with in medical practice, and to give the results of their investigation to the public.

23. Resolved, That the influence of the female sex in favour of the Temperance cause, has had a highly salutary effect upon all classes in the community, and especially upon those who are the hope of future generations, *the children and youth*, and that should the influence to which they are so justly entitled, be unitedly and universally exerted in favour of this cause, they would do much to perfect and to perpetuate the moral renovation of the whole human family.

24. Resolved, That as the question has arisen among the friends of Temperance and Agricultural improvement,—What shall be done with surplus grains, provided they are not converted into Ardent Spirit? The friends of human improvements be requested to investigate this subject, and to present the results to the public through the medium of the press.

On motion, adjourned.

MONDAY MORNING, *May 27th.*—At a stated hour the Convention organized, and was opened by prayer by Christian Keener, of Maryland.

The minutes of the preceding day were read and approved. Nicholas Deveraux, of New York, was appointed a member of the committee to prepare business in the room of Hugh Maxwell, who has left the city.

The committee to invite members to address the meeting this evening—Report that they have engaged—



G. S. Hillard, of Massachusetts; Thomas P. Hunt, of North Carolina; Thomas H. Stockton, of Maryland; — Lumpkin, of Georgia; Nathaniel Hewitt, of Connecticut.

The standing committee reported the following resolution—which was adopted,—

Whereas, it has been announced that Henry Newman, a delegate to this body from the British and Foreign Temperance Society, has arrived in this country, and expected to be at the Convention, but is providentially prevented, therefore, Resolved, That we cordially reciprocate the fraternal kindness manifested by the British Foreign Temperance Society in the appointment of the above mentioned delegate, and express our earnest desire and hope that the mutual confidence now subsisting between Temperance Societies in this and other countries may be perpetuated and increased, till intemperance and its evils shall have ceased, and Temperance, with all its attendant blessings, shall universally prevail.

The President stated, that Stephen Van Rensselaer of the State of New York, had offered to defray the expense of publishing 100,000 copies of the proceedings of the Convention for gratuitous distribution—whereupon it was unanimously

Resolved, That the thanks of this Convention be presented to Stephen Van Rensselaer, of the city of Albany, and State of New York, for his liberality in proposing to defray the expenses of distributing 100,000 copies of the proceedings of this Convention.

Resolved, That the President and Vice Presidents be a committee to communicate to S. V. R. the foregoing resolution.

The standing committee reported the following resolution which was adopted,—

Resolved, That the formation within six years of more than 6,000 Temperance Societies, embracing more than a million of members, the relinquishment of the manufacture of Ardent Spirit by more than 2,000 distilleries, and of the sale of it by more than 5,000 merchants, the banishment of the poison from the United States Army, and to a great extent from the Navy, the sailing of more than 700 vessels in which Ardent Spirit is not used, the hitherto unparalleled exhibition of more than 5,000 drunkards within five years ceasing to use intoxicating drinks, and becoming—as all drunkards if they take this course, will—sober men, and many of them highly respectable and useful men—the uniform and universal progress of the Temperance Reformation, and wherever suitable means have been used for its advancement, are, it is believed, facts which call loudly for fervent gratitude to the Author of all good, and for united and persevering efforts on the part of its friends, to extend universally and to perpetuate the Temperance cause.

A Resolution reported by the standing committee on the subject of a General Union, which was laid on the table at a former session, was now taken up, and on motion—Resolved, That the same be referred to a committee consisting of one member from each State represented in this body:—whereupon the following were appointed that committee, with instructions to sit immediately and report at the next session:—

Joseph C. Lovejoy, from Maine; Andrew Rankin, of New Hampshire; C. P. Walton, of Vermont; Mark Doolittle, of Massachusetts; Eli Ives, of Connecticut; Frederick A. Farley, of Rhode Island; John Wheelwright, of New York; — McLane of New Jersey; Isaac S. Loyd, of Pennsylvania; Thomas J. Higgins, of Delaware; Christian Keener, of Maryland; W. R. Collier, District of Columbia; Ephraim Addison, of Virginia; Thomas P. Hunt, of North Carolina; Isaac W. Waddell, of South Carolina; S. K. Talmage, of Georgia; R. H. Bull, of Kentucky; John Seaward, of Ohio; Robert H. Chapman, of Tennessee; Peter Donan, of Missouri; N. M. Welles, of Indiana; Enoch Kinsbury, of Illinois; E. C. Trowbridge, of Michigan; Wm. T. Brantley, of Alabama.

The standing committee reported a resolution which was under discussion till the hour for adjournment, when on motion the Convention adjourned.

*Afternoon.*—The Convention met at the stated hour; and again took up the resolution which was before it at the former session—which was adopted as follows:—

Resolved, That in the opinion of this Convention, the traffic in Ardent Spirit as a drink, and the use of it as such, are morally wrong, and ought to be abandoned throughout the world.

The committee to whom was referred the resolution on the subject of a General Union—Reported, That they had unanimously agreed to recommend the adoption of the Resolution, as reported by the standing committee, which was under consideration, when on motion the Convention adjourned—to meet at the Hall of the Musical Fund Society this evening, at a quarter before 8 o'clock, in order to lay before the public, who have been invited to assemble there—a brief history of the progress of the Temperance cause.

*Evening.*—At the time adjourned to, the Convention assembled at the place appointed—when

G. S. Hillard, of Massachusetts, Thomas P. Hunt, of North Carolina, Thomas H. Stockton, of Maryland, and Nathaniel Hewitt, of Connecticut,—presented to the very large and attentive audience that had assembled, a brief but impressive history of the Temperance cause, together with an exposition of the principles on which it is established.

After an appeal to the Female part of the assembly, by the President, the Convention proceeded to business,—the Standing Committee reported that they had no further matter to lay before the Convention—whereupon it was—

Resolved, That the Standing Committee be now discharged.

On motion Resolved, That the thanks of the Convention be presented to the Standing Committee, for the faithful and prompt discharge of the duties entrusted to them by the Convention.

Resolved unanimously, That the thanks of this Convention be presented to its President, Reuben H. Walworth, for the dignified, impartial and very acceptable manner in which he has presided over its deliberations.

The President here expressed his grateful sense of this acknowledgment on the part of the Convention, and his satisfaction in having presided over its deliberations, when he withdrew.—Roberts Vaux, Vice President, from Pennsylvania, took the Chair.

The Resolution reported by the Standing Committee and approved by the committee from each State, was then taken up, and after amendment adopted, as follows:—

Resolved, That the officers of the American Temperance Society, and of the several State Societies, are hereby requested to act as a United States Temperance Society, to hold mutual consultations, and to take all suitable measures to carry into effect the objects of this Convention, to embody public sentiment, and by the universal diffusion of information and the exertion of kind moral influence—to extend the principles and blessings of the Temperance Reformation throughout our country and throughout the world.

On motion, Resolved, That the vital interests and complete success of the Temperance cause, demand that in all the efforts of the friends of that cause against the use of Ardent Spirits, no substitute except pure water be recommended as a drink.

On motion, Resolved, That the thanks of this Convention be presented to the Select and Common Councils of the city of Philadelphia, for their kindness and liberality in granting to it the use of the Hall of Independence.

On motion, Resolved, That the thanks of this Convention be presented to the Trustees and Congregation



of the Fifth Presbyterian Church, for the use of their house during the sittings of the Convention.

On motion Resolved, That the thanks of the Convention be presented to the Vice Presidents and Secretaries for the faithful discharge of their duties.

The Convention then adjourned *sine die*.

From the Commercial Herald.

## SKETCHES OF PENNSYLVANIA.

### No. 3.

We stopped on Thursday at Downingtown. This is a pleasant, and thriving village, owing its prosperity to its position in the heart of Chester valley, and to the water-power of the Big Brandywine upon which it is situated. It extends for about half a mile on both sides of the Lancaster turnpike which passes the creek by a substantial stone bridge. The houses are built of limestone, generally rough cast, or pebble-dashed, and have universally the appearance of neatness and comfort. Several mills and factories are located on the creek, and it contains a number of stores and taverns.

The turnpike crosses the Big Brandywine at the west end of the village by a substantial stone bridge of several arches. Just across the bridge another important turnpike begins, leading by the shortest route to Harrisburg. This road passes in about a northwest course to Waynesburg, in Chester county, then enters Lancaster county, and traversing its north-eastern section, passes Hinkleton and Euphrata—next cuts the northwest corner of Lebanon county, and entering Dauphin, unites with the turnpike from Harrisburg to Reading at Hummelstown on the Swatara. From Downingtown to Harrisburg by this route is sixty-seven miles according to the finger post. By the way of Lancaster, Mountjoy and Middletown, the distance between the same points is about seventy-three miles. The difference of distance is, however, more than made up by the advantageous location of the latter road. The Euphrata turnpike is too hilly for rapid travelling, and it is therefore used, principally by loaded wagons, to which by lighter tolls it offers some inducement.

There is probably no stream of its size on the continent whose water power has contributed more to the wealth and comfort of the country, than the Brandywine. From its source to its mouth, on both its branches it is studded with mills and factories to which a populous and fertile country gives abundant employment. Our imperfect knowledge enables us to enumerate about twenty mills on the Big, and fifteen on the Little Brandywine. Below the forks the hydraulic advantages are still greater, and the manufactures more important. Among these we would name that great one for the manufacture of Gunpowder owned by E. I. Dupont, Esq. We had heard much of the fruits of Mr. Dupont's enterprise, and knew how universally and deservedly sought after was his powder, but had no conception of the extent of the works, nor how wild, and romantic, and beautiful is the country in which they are located, until we made him a passing visit. Our limits forbid a description in detail. One thing deserves notice, however, as it has been the fruit of dear-bought and bitter experience. For some time the amount of powder in a building, produced at several successive explosions a great waste of labor and of life. The remedy has been found to lie in multiplying the mills for grinding, glazing, &c., and setting them so far apart as to confine the explosion to the mill in which it may take place. This multiplication of buildings gives to the bank of the stream, for a considerable extent, the appearance of a town; and the fine mason work, and bridges, &c. would justify the conclusion that they had been the work of some rich borough, under the direction of some prosperous, and public spirited corporation.

A manufacturer of so much skill and probity, of an article so important to the defence of our country, may

be looked upon in the light of a public benefactor. Besides the manufacture of powder, Mr. Dupont is a manufacturer, also, of cloth. Here, too, he has acquired a just celebrity. It is to such men all countries owe their independence, and strength, and prosperity.

The flourishing city of Wilmington is the product of the water of the Brandywine. On the Big Brandywine, four miles above Downingtown, is Mary Anne Forge, where iron is extensively manufactured.

The two branches of the Brandywine unite about eight miles below Downingtown; and some two miles below the forks is the famous battle ground—if the affair of the 11th September, 1777, may be called a battle, when it was in truth nothing beyond a surprise, and a rout.

We go back to Downingtown, and leaving it, travel on the Rail Road, now occupying the surface of the valley, and undulating occasionally as that surface requires, in a direction a little south of west, for a distance of eight miles, to Coatesville, where we cross the west branch, or Little Brandywine, by a viaduct 850 feet long, with piers 73 feet high above the water. This is indeed a stupendous structure. Its western abutment touches a projecting part of the North Valley Hill, which the Rail Road immediately ascends with the maximum grade of 28 feet in the mile.

The scenery at this point has in it much of the sublime, as well as the beautiful. The Brandywine has just passed the North Hill, through a rude chasm, which seems to have been made by the force of the waters.

Coatesville is a thriving and neat village, apparently containing about 60 houses. Within the last three years, it has increased rapidly, and put on an air of prosperity, and business, which promise to make it an important place.

Ascending the North Valley Hill, the rail road and Lancaster turnpike lie side by side, for a short distance. They soon separate, however: the latter boldly climbing the hill, the former creeping gradually up its side. A heavy embankment, succeeded by a formidable deep cut, mark the scite of the rail road, immediately west of the Little Brandywine.

The rail road continues to ascend the North Valley Hill, crossing the head waters of Buck run, (a noble mill stream,) and of Octorara, (a branch of the Susquehanna, emptying above Port Deposit,) until it reaches its summit about the point of its junction with the Mine Ridge, of which it seems to be a spur. In the Mine Ridge, near this point, at the head of a small branch of the Octorara, is a remarkable gap, or indentation, which lessens its elevation by about one-half. This gap is the locality selected for passing the Ridge, and it constitutes the second and last important summit between the Delaware and the Susquehanna.

The distance from Coatesville to the gap is something more than thirteen miles, of which ten miles have an ascending gradation as you proceed westward, at the rate of about twenty-eight feet in the mile. The elevation of the gap above tide water is five hundred and ninety-two feet. This is reduced by a deep cut of thirty-seven feet, so that the surface of the rail-road is five hundred and fifty-five feet above tide, or eight feet above its level on the summit near the Warren.

This deep cut, which occurs very near the Gap tavern, has proved exceedingly difficult and expensive, in consequence of quicksands. It is not yet entirely finished, though the principal objects are believed to have been overcome. Just before reaching the gap, we leave Chester county, and enter the rich and populous county of Lancaster. The Mine Ridge, upon which we now stand, is so important as a geographical feature of the state, as to deserve particular attention.

An observant traveller, passing from the Atlantic to the interior, will perceive a series of distinct mountain chains, which traverse the state in a general direction from north-east to south-west, and pursuing a course nearly parallel to the sea coast. Each successive chain



has an increased elevation, until you arrive at the great Alleghany mountain—the last of the series from which you descend into the great basin of the Mississippi. They are marked by distinct geological features, exert a decided influence upon the character of the country, and of the streams; and govern, in an important degree, the course of all roads and improvements. A general knowledge, therefore, of the great mountain ranges, is indispensable to a tolerable acquaintance with the geography, the resources, and connexions of the interior.

The Mine Ridge, (as it is here called,) is the first of the great ranges which can be distinctly traced, though the hills farther east show a decided conformity to the general plan. It bears various names in different sections of the country, and is of various elevation, sometimes almost disappearing, and then rising again abruptly to a considerable height. Under the name of the Welsh mountain, it forms for a short distance the boundary between Chester and Lancaster, and afterwards between Chester and Berks. Pursuing a north-east direction, it crosses the Schuylkill a little above Pottsgrove, and the Delaware near the mouth of Durham creek. From the Delaware, eastward, it is rather difficult to trace its course as it there approaches very near, and is perhaps lost in the second great chain, known in Pennsylvania as the Conewago, and Lehigh Hill, and in Virginia as the Blue Ridge. Darby, who paid great attention to this subject, thinks he has ascertained its course through the northern part of New Jersey, and Orange county, in New York, till it forms the celebrated highlands of the Hudson at West Point. The more generally received opinion, however, assigns the highlands of the North river to the second great chain, of which we shall speak hereafter.

From the gap, the Mine Ridge is traced with less difficulty in its course to the south-west. It passes between the head waters of the Pequea and Octorara, and crosses the Susquehanna into York county—thence through Hartford, Baltimore, Anne Arundel, and Montgomery counties, of Maryland to the Potomac, where it forms the falls twelve miles above Georgetown in the District of Columbia, and enters Fairfax county in Virginia. Its farther progress may be distinctly traced through Virginia, and North Carolina, and probably still further south.

When we leave our position at the gap, we shall descend into the Pequea valley; the second great limestone formation of the state, and one requiring more notice than we have room for in the present number.

#### No. 4.

The Gap of the Mine Ridge, through which the railroad passes, is about two miles south of the Lancaster Turnpike. Its distance from the Susquehanna, by way of the rail road, is  $29\frac{1}{2}$  miles; and from the Schuylkill at Peter's Island  $49\frac{1}{2}$  miles. The Wilmington turnpike passes through the same Gap, uniting with the Lancaster turnpike, three miles further on at Slaymaker's tavern at Salisbury.

From the Gap summit the rail road descends along the side slope of Mine Ridge, into the Great Lancaster or Pequea Valley. Seven miles from the Gap, it crosses Pequea creek, by a viaduct 145 feet long, and 18 feet high. For nearly all this distance, the graduation is descending at the rate of about 30 feet in the mile. At this bridge, therefore, it may be considered as having attained the general level of the Lancaster valley in which it continues, conforming to the undulations of the ground all the way to Columbia.

The Lancaster and Pequea valley is an extensive range of rich and productive country, the basis of which is transition limestone, passing through the state in a general direction from north-east to south-west. Its south-eastern boundary is the Mine Ridge, which we have just passed, and whose course we have endeavored to describe. On the north-west, it is bounded by a lofty

range, worthy of the name of a mountain, known in Pennsylvania as the Conewago and Lehigh Hills, and in Virginia as the Blue Ridge. We adopt the latter name, with a caution not to confound it with the Blue Mountain or Kittatiny, of which we shall have occasion to speak at a future period. No mountain range in the United States is more distinctly marked, or more uniform in its general course, than the Blue Ridge. It crosses the Delaware below Easton, and follows the south bank of the Lehigh to near Allentown; then passing through Lehigh and Berks counties, crosses the Schuylkill just below Reading, to the Susquehanna below Middletown, forming the Conewago Falls in that river; thence between Cumberland and York, and Cumberland and Adams, to the southern angle of Cumberland county, where its course is changed from southwest to due south. It next forms the boundary between Adams and Cumberland, till it crosses the Maryland line. Through Maryland its southerly course is continued between Frederick and Washington counties to the Potomac, which breaks abruptly through it, forming the celebrated pass of Harper's Ferry. In Virginia, this mountain resumes its general south-western course, which is continued through North Carolina and into Georgia; where it is finally lost near the head waters of the Chattahoochee. After leaving Pennsylvania on the north-east, it passes through Warren and Sussex counties in New Jersey, into New York, and reaches the Hudson at West Point.

We have been thus particular in describing the course of the Blue Ridge, because it forms one of the most remarkable geographical features of the country, and is equally important in a geological point of view. As an evidence how distinct this range is, it may be observed, that from the Susquehanna to the north-west angle of South Carolina, a distance of more than 500 miles, its general south western course, it every where forms a line of demarkation between counties.

Under this mountain, and between it and the Mine Ridge, whose course we described in our last number, lies a range of fertile country which we call by the general name of the Pequea Valley. Its breadth is from 15 to 20 miles—and it includes the most valuable land in Pennsylvania, Maryland, Virginia, and North Carolina. The Lancaster turnpike follows this valley from Slaymaker's westward to Lancaster. The turnpike between Lancaster and Harrisburg, crosses it nearly at right angles, and leaves it at Elizabethtown, 18 miles from Lancaster. The Conestoga, Pequea, and Chiques branches of the Susquehanna and the Monacasy, a branch of the Potomac, have a great part of their course in this valley. It includes a large portion of the counties of Lancaster, Berks, Lehigh, York, and Adams, in Pennsylvania; of Frederick in Maryland; and of Loudon, Farquier, Culpepper, Madison, Orange, Albemarle, Nelson, Amhurst, Bedford, Franklin, and Patrick, in Virginia. It contains also the towns of Lancaster, Columbia, Mountjoy, Marietta, York, Gettysburg, in Pennsylvania; Fredericktown in Maryland; and Leesburg, Barboursville, Charlottesville, and Lynchburg, in Virginia.

We have said that the range of country is a limestone formation. To the presence of that invaluable material, it owes its fertility and agricultural wealth. The limestone disappears as you ascend the boundary hills in all places where the ground rises considerably above the general level. That portion of the county of Lancaster which it embraces, may be regarded as the most valuable land for agricultural purposes in Pennsylvania. In absolute fertility it is equalled, perhaps surpassed, by the Kittatiny Valley and by the fine alluvial bottoms on the west branch of the Susquehanna. But its perfect state of cultivation, and its proximity to a market, give it a decided advantage.

The term valley, as applied to the great range of country lying under the Blue Ridge, is not strictly correct. A bird's eye examination from one of the boun-



dary hills gives to it the appearance of a valley, and hence the title by which it is properly designated. A nearer inspection shows it to be an undulating country, intersected by water courses in every direction, each of which runs in its own valley or ravine. The term, however, as applied to the whole range, is convenient, and by comparison with the lofty hills on either hand, it is reasonably correct, so that for fault of a better one, we will continue to use it.

We have not room to indulge ourselves in an accurate account of the important county of Lancaster, to which our journey has now conducted us, nor have we the materials for such an undertaking without more labor than other occupations would permit.

To any citizen of that county, who would furnish us with such an account we should feel ourselves under lasting obligations; and we should hasten to present it to our readers. Suffice it for the present to say, that Lancaster is the 17th county of the state in point of territory, and the first in wealth and population (Philadelphia of course excepted.) Its area is 928 square miles, and its population in 1830 was 76,600. Its wealth has sprung chiefly from agriculture. The Conestoga, Pequea, and Chiques, and their branches, afford a number of valuable mill seats, where flour is prepared for the Philadelphia and Baltimore markets. Distilleries are also numerous, to supply which, an immense quantity of rye is annually raised. The millers and distillers, of Lancaster, purchase also a large quantity of grain descending the Susquehanna. Iron is found and manufactured in the northern section towards the line of Lebanon county. After crossing the Mine Ridge, and passing from Chester into Lancaster county, a remarkable change is visible in the character, habits, and language of the population. In Lancaster, the German prevails in about the same proportion as the Quakers do in Chester, retaining their language as a means of communication with each other, though the greater part of them are able to converse in English.

There is something very harsh and unmusical in the dialect which this people speak, and which differs of course from the classical German, which Goethe and Schiller have immortalized. The German of Pennsylvania is, to all intents and purposes, an *unwritten* language, transmitted from mouth to mouth, and therefore constantly corrupted, and changed by the introduction of foreign and new fangled words. We have been at the pains to count the words in a legislative document, professing to be in the German language: and have discovered that about one-fourth of the whole number are English words a little disguised by the German mode of spelling. A German scholar set down among the farmers of Lancaster, would probably be as little able to comprehend what he heard, or to make himself understood, as if he had lighted upon a tribe of the Aborigines.

Besides the peculiarity of language, two other characteristics invariably mark a German settlement, namely, huge stone barns, and gigantic horses immoderately fat. It seems as if these frugal and industrious people, looked first to the preservation of their crops and the comfort of their cattle, and devoted no more attention to their own accommodation, than could be spared after these primary objects had been accomplished. Not that dwellings are bad, on the contrary, they are substantial, durable, and of sufficient size. But they always look diminutive, in comparison with the barns, and the fact is always obvious that attention has been given to the useful and the productive, far above the beautiful or the ornamental.

The Germans comprise the great mass of the population of all that portion of the Pequea Valley, which lies in Pennsylvania, and they are also numerous in Frederick county, in Maryland. They are of various religious denominations. A very considerable portion belong to the society of Mennonists, who resemble the Quakers in their tenets as to war, and follow the Jewish custom of

leaving the chin unshaved. We never saw one of these personages driving his wagon along the turnpike, with a six inch beard, filled with limestone dust, without wondering that in a country where cleanliness was so essential as in Palestine, the barber's profession had not risen into higher repute. Nor did such a sight fail to dissipate all our notions of the picturesque, as connected with flowing beards, in certain books of poetry.

But it is time we had ended for the day. The village of Paradise is close by the crossing of the Pequea, and in a certain tavern there, we remember once to have seen a comely Dutch damsel, that would make no bad representative of Eve—at Paradise, then, we pause for the present.

## LYKENS VALLEY AND THE COAL REGION.

The senior editor of the *Intelligencer*, in company with other gentlemen of Harrisburg, visited, during the past week, the coal region in Lykens Valley. This delightful valley, situated in the northern part of this county, is bounded on the west by the Susquehanna river, on the north by the Mahantango mountain which separates it from Northumberland county, on the east by the mountains which separate it from Schuylkill county, and on the south by Berry's mountain which separates it from Armstrong's valley in this county. It is about 23 miles long, and from 8 to 10 in width. On the east, a branch of the Schuylkill mountains, called in the valley, the Short Mountain, runs over the Schuylkill line about 9 or 10 miles, and ends near the middle of the valley within about 12 miles of the Susquehanna. This mountain from appearances contains inexhaustible quantities of anthracite coal of the best quality. Between two or three miles from the end of the coal mountain, is Bear Gap, a singular entrance into a narrow valley in the middle of the mountain, some miles in length. Out of this entrance issues a stream of water, called Bear creek, and large enough to drive a saw mill, and on which, one is now placed and in operation. The stream is formed of two branches, one running through the east and the other through the west part of Bear Valley, and uniting just before the stream breaks through the entrance. Bear creek runs about half a mile south after leaving the entrance, when it unites with the Wisconsin which runs the whole length of Lykens valley from the east to the west, and enters the Susquehanna at Millersburg. At this entrance into the mountain at the gap, on both sides of Bear creek, mines of coal have been opened, and about six thousand tons of the best coal we have ever seen has been mined, and is now waiting for the completion of the rail road to be taken to Millersburg on the Susquehanna. The strata of rock on the south side of Bear valley pitches to the north, and on the north side to the south, both having an inclination of about 45 or 46 degrees, and having the appearance of meeting under Bear valley. It is probable, that the part of the mountain which is not divided by this singular narrow valley, is also full of coal, it having been found in various places. The strata of rock here incline to the centre of the mountain, and probably meet in the middle. At the entrance, where a company is now mining, we entered one of the mines running horizontally into the mountain about 80 yards. The vein of coal was six feet thick, having no termination but the mountain itself. About 20 yards from this, was another vein 11 feet in thickness—every 20 yards there being a vein. Between these veins of coal are alternate layers of pudding stone, slate, and sometimes sand. The slate or shale generally lies next to the coal, but not always—sometimes the pudding stone lies next to the coal, and in one vein we saw a layer of sand lying next to the coal. From this gap a company is now constructing a rail road, about 17 miles long, to the Susquehanna at Millersburg. From the mines at the gap it runs south or south-west about a mile until it reaches the side of Berry's mountain which bounds the valley on the south—



and then it takes nearly a direct west course to the Susquehanna. This rail road is already graded, and the rails are laid on about one-half of the road. One of the company told us that if no accident happened, all the rails would be laid down in about 60 days, so that in about 90 days, coal would be carried to the river. When this is done, none can tell what a busy scene will be presented near these mines. The coal is one hundred miles nearer the market than any on the Susquehanna now worked. It is of the best quality, and although anthracite, it is light and burns with a blaze, and may be kindled without charcoal. It is inexhaustible, and must be a source of great wealth.

Messrs. Elder, and Haldeman have had the foresight to possess themselves of some of the most valuable property in this valley. Their coal land on the mountain extends from a few rods from the gap to the Schuylkill line. They own likewise a tract on the west side of the gap, and also a tract on the west side of Bear valley. The company of Gratz, Shaeffer, and others, own the land immediately at the gap and the coal that is now being mined; but Elder and Haldeman own the land immediately below for a considerable distance. Thomas P. Cope, of Philadelphia, owns the end of the mountain nearly to the gap, about three miles in length; but the lands of Elder and Haldeman inclose it on three sides. On the north side of the mountain next to Gratztown, there are several tracts of coal land, one of which is owned by David Krause, Esq. of this place.

We are particularly pleased with the appearance of a great number of farms in Lykens valley. Near the end of the mountain is one of about 400 acres owned by Elder and Haldeman, which for location, the beauty of its situation, its handsomely laid out and well fenced fields, the buildings and the excellence of the crops, is almost unrivalled. The estate of James Buchanan, a little south of Elder & Haldeman, through which flows the Wisconisco, is another delightful place. This farm, containing more than 400 acres, was the place where Lykens the first settler of the valley lived. From this place to the Susquehanna, on every little eminence the eye will be delighted by the sight, from mountain to mountain, of wheatfields and cornfields, of stone houses and barns, and orchards and groves.

Let those who wish to visit one of the most delightful spots in Pennsylvania, visit Lykens valley in Dauphin county. Excellent accommodations will be found at the coal mines, near the gap, at a public house kept by Mr. Michael Schaeffer.

### THE WYOMING MASSACRE MONUMENT.

#### JUDGE SCOTT'S REMARKS.

In addition to a statement of the contents of this box, my venerable friends have also requested me to make some further remarks on this occasion. In complying with their wishes, I must necessarily be brief. It is unnecessary for me to notice the events, which the proceedings of this day, and the monument to be erected, are intended to commemorate. They have just been detailed, by the gentlemen selected by the committee to address you on this occasion.

All nations—every people, whether savage or civilized, of whose customs or religion, history has furnished us any account, have regarded the mode of disposing of the body after death, as an object of the greatest importance. In some countries, cremation, or the burning of the body to ashes has been practised. In others, burial, or inhumation, either in the earth or in sepulchres of stone prepared for the purpose has been customary. But simple interment, it is believed, is now generally adopted by most civilized nations. The same feelings and sense of decency and propriety, which dictated the removal of dead bodies out of sight, also prompted to the performance of ceremonies on the occasion of a solemn and impressive character. Hence the religion of the country took upon itself the guar-

dianship of funeral ceremonies, and they are now every where regarded as religious rites. The most humble as well as the most exalted member of every community, is entitled to these rights, unless forfeited by some flagrant violation of the laws of God and of nature.

The character of funeral ceremonies has, at all times and in all countries, corresponded with the rank and character of the deceased. Among the ancient Greeks and Romans, whose governments were founded upon principles analogous to our own, the more humble class were generally interred with great decency, in public cemeteries prepared for the purpose. Persons of rank and fortune were usually buried with a pomp and splendor corresponding with their station and circumstances. But to those who had rendered distinguished services to the country, or had fallen in its battles, the most splendid, solemn, and imposing funeral honors were paid. Their lives had been sacrificed in the services of their country. They were supposed to have contributed to its greatness and glory, and to have set an example worthy of imitation by the living. Their characters, and services, and deeds of noble daring, were identified with the reputation of their country, and were regarded as they should be, as the property of the country; and hence, in the free states of Greece, particularly, the whole body of the people felt an interest in perpetuating their fame.

At Athens, in the brightest days of her glory, the most distinguished funeral honors were paid to those who had fallen in their country's battles. Their bones were collected, placed in coffins, and exposed to public view; as the bones of those to whom we are now paying funeral honors, are now publicly exhibited. The relatives and friends of the dead, attended to weep over their remains; as is here witnessed on this occasion. *The people* assembled, as here, to participate in the solemnities. Their remains were conveyed in solemn procession to the cemetery prepared for their reception, and there deposited, as has here been done; and a monument erected to their memory, and their names inscribed thereon. Here, too, the corner stone of a monument to the patriotic dead, has just been laid; a column is to be erected, and their names are to be inscribed upon it.

These are grave and interesting ceremonies—they must reach the bosom and affect the heart of every one present. And if the scenes here witnessed, dispose the mind to serious and sober thought, how much more solemn the reflections and intense the feelings excited, and what fearful apprehensions awakened in the mind, by the allusions which have been made to the ancient republics. Where now are the free states of Greece? Where enlightened and polished Athens? Where her celebrated schools of learning? Where her magnificent temples and other public edifices? Where her splendid monuments erected to the memory of her Patriots? Where her free institutions? Prostrate in the dust—annihilated by the ruthless hands of the enemies of civil liberty. The internal enemies of the ancient republics inflicted the first wounds upon their free institution. "*We the people*," the life giving principle of liberty in their constitutions, was expunged—blotted out forever. Political aspirants, seeking their own personal aggrandizement promulgated new and unheard of notions, now significantly denominated the doctrine of nullification; the national councils were divided; the people were deluded; the sacred bands of their Union were burst asunder, and they became an easy prey to their external enemies. Their institutions of learning, and their temples, and their monument, and their free governments, and their very existence, as nations, were nullified; and the most intolerable despotism erected upon their ruins, which the efforts of ages were unable to overthrow. God preserve our country from so miserable a catastrophe! May the admonitions which history furnishes, teach us political wisdom—and may our Union as a nation, our free institutions, and this monument to the patriot dead, exist till time shall be no longer.



From the Pennsylvania Telegraph.  
STATE LOANS.

The whole amount of the Loans held by Foreigners up to that time is nine millions three hundred and one thousand, seven hundred and eleven dollars 99 cents; and the whole amount of Loans held by individuals and corporations in this country, up to that time, is seven millions one hundred sixty-one thousand nine hundred forty-nine dollars and 89 cents. This is independent of the loans of the present year, which are presumed to be held by foreigners, almost exclusively.

FOREIGN STOCKHOLDERS OF THE STATE DEBT OF PENNSYLVANIA.

*Canal Loan per Act of March 21, 1831.*

John Henry Albers of Bremen, gentleman	\$14,000
Alexander Baring and Richard Willing, of Montreal	79,200
John Thomas Betts, of Smithfield Bars, London, gentleman	12,000
William Biddle, of Boxmoor, Hertfordshire, in England, Esq.	10,300
Javes Basevi, of Dawlish, Devonshire in Eng. Esq.	12,000
Edward Thomas Bainbridge, of St. Paul's Church Yard, London, Esq.	3,800
His Highness Charles, Sovereign Duke of Brunswick	165,000
Sir Charles, Richard Blunt, of Heathfield Park, Sussex in England Baronet	30,000
The Rev. Thomas Brock of Guernsey.	5000
Stanlake Batson, of Horse Heath, Cambridge-shire; in England	20,000
Arthur Blewart Bryer, of Canterbury Row, Newington Surry, in England, gentleman	302,000
Robert Burrowes, of Dublin, Esq.	21,000
Abraham Gray Hartford Battersby, of Bristol, in England, Esq.	11,000
Edward Chapman Bradford, of Portman Square, Middlesex, in England, Esq.	4,250
Mary Bateman, jr. of Newington, Surry, in England, and William Smee, of London, Esq.	14,000
Mary Bateman, of Newington, Surry, in England	6,300
Mary Bateman, jr. of Newington, Surry, in England	12,500
The Most Noble Francis Charles Seymour Conway, Marquis of Hertford	100,000
The Right Honorable Henry Seymour Conway, Lord Henry Seymour Conway, of Great Britain	52,000
William Henry Cooper, of Regent's Park, Middlesex, in England, Esq.	43,000
Henri Louis De Chastellux, Duke De Rauzan, of Paris	4,000
Francis Cross, of Grosvenor Square, London, Esq.	25,000
Thomas Cotterill, Esq. of Birmingham, in England	2000
Madame Marguerita Madeline De Lessert, of Paris	5,500
Armand De Chardonney	2,654 86
Enos Durant, Esq. of London	4,353 42
Sarah Dyson, of Diss, Norfolk in Eng.	11,551
John Ferguson, of Irvine, North Britain, and Andrew Service, now in London	2000
Selina Frewen, of Leicestershire, in England	3000
Alfred Fagg, of Bedmont, Middlesex, in England, Esq.	27,000
Admiral Edward Fellowes, of the Royal Navy, and of Gloucester Place, Portman Square, Middlesex, in England	21,000
Gowan and Marx, of London	117,400

Edmund Granger, of Exeter, in England, Esq.	5000
The Honorable Adam Gillies, of Edinburg, in Scotland	600
Henry Harvey, senior, of Bermuda	1,250
The Hon. and Rev. Frederick Hotham, of Dennington, Suffolk, in Eng.	9000
Mary Hichens, and Elizabeth Scott, both of St. Ives, in England	9000
Mrs. Isabella Hankey, of London	9,037 34
William Hankee, of London, Esq.	21,369 39
Thompson Hankey, jun. and William John Blake, both of London, Esq.	2,150
Benjamin D. Harvey, of Bermuda, Counsellor at Law	4,500
William Henry Harford, Bristol, in England, Esq.	15,000
Thomas Hankey, Esq. of London	8,585 74
James Hurry, of Yarmouth, Norfolk, in England, merchant	10,477 39
Robert Higgs, of Bermuda	27,000
Rev. Richard Harrington, of Brazen Nose College, Oxford, and Charles Balfour, of London, Esq.	75,000
Dame Amelia Hobhouse, of Bath in Eng.	12,600
Jeah Hughan, of Cotswold House, Gloucestershire in England	30,000
Rev. Charles Hughes Hallet, of Higham, in England	400
William Janson, Esq. of London	27,000
Elizabeth Joyce, of Hamstead, Middlesex, in England	3,000
Simon Knublely, of Jamaica, Esq.	500
Samuel Ludcock, of West Smithfield, London	5,000
Louis Maurice, Count De Laizer, of Clermont Ferrand, Department de Puy de Dome, in France	10,000
Charles Locock, of Hanover Square, London, M. D.	6,000
Charles Lillingston, of Elmdon, Warwickshire, in England, Esq.	2,000
Susan Lacey, the wife of Major Joseph Dacre Lacey, of Guernsey	1,000
Mrs. Isabella Lyon, of 31 South Street, Park Lane, London	20,000
John Marshall, of Leeds, England	79,947 74
Jonathan Morgan, of Bath in England, Esq.	18,000
Philip John Miles, of Bristol, in England, Esq.	50,000
Thomas Mayo, M. D. of Tunbridge Wells, Kent, in England	43,000
Virtue Mills, of Clifton, Gloucestershire, in Eng.	6,500
Justina Milligan, of Cotswold House, Gloucestershire, in England.	20,000
Mary Miligan, of Cotswold House, Gloucestershire, in Eng.	20,000
Ralph Nicholson, of Hadham, Hertfordshire, in Eng.	6,141
Francis O'Grady, of Upper Brook street, Middlesex, in England	4,200
Rev. William Alexander Percy, of Carrick on Shannon, and John Carson, Esq. of Roscommon	4,552 82
Robert Peel, of Park Crescent, Portland Place, London, Esq.	20,000
The Honourable Mary Pelham, of Connaught Place, London.	3,000
Edward Penryhn, of East Sheen, Surry, in Eng. Esq.	21,000
The Right Honourable Henry Manviers Pierrepont, of Conholt Park, Hampshire, in Eng.	31,500
Nathan Palmer, of Seymour street, Easton Square, Middlesex, in England, gentleman	5,000



Charles Frederick Paxton, of London, Esq.	2,000	Gowen & Marx, of London	34,000
Thomas Pemberton, of Lincoln's Inn, London, barrister at Law	20,000	Davis Gilbert, of Tredrea, Cornwall, in Eng. Esq.	21,000
John Rubie, of Southampton in England	6,900	Edmund Granger, of Exeter, in England, Esq.	23,000
Thomas Roworth, of Coombe Lodge, in Eng. Esq.	65,000	William Henry Hartford, of Bristol, in Eng. Esq.	8,000
Mr. Gaspard De la Rive, of Geneva, gentleman	5,800	James Hurry, of Yarmouth, in England, Esq.	5,000
Henry Skrine, of Warley, Somersetshire, England, Esq.	8,700	Dame Amelia Hobhouse, of Bath in England, widow	5,000
Sir Thomas Charles Style, of Cloghan Lodge, Ireland, Baronet	223 74	Rev. Charles Hughes Hallet of Higham, in Eng. clerk	6,000
William Sheepshanks, of Leeds, in England, Esq.	4,300	Francis O'Grady, of Upper Brook street, Middlesex, in England	4,000
The Right Honourable George Augustus Frederick Charles, Earl of Sheffield, of Great Britain	35,000	The Rev. Charles Phillips, of Pembroke, in South Wales,	13,000
Anthony T. Sampayo, of London, Esq.	79,768 41	The Hon. Mary Pelham, of Connaught Place, Lon.	1,000
Edward Degge Sitwell, of Stainsby, Derby, in England, Esq.	9,600	Henry Ritchie, of Busblie, in Ayrshire, Scotland, Esq.	10,000
Mark Wood Carmichael Smyth, Captain in the sixth regiment of Madras Light Cavalry	2,250	Lieut. Colonel James Rowles, Cheltenham, in England	17,000
Samuel Stephens, of Baker street, Middlesex, in England, gentleman	40,000	Eliza Sparks, of Cobham, Surry, in Eng.	11,000
Alexander Saunderson, of Castle Saunderson, in the county of Cavan, Ireland, Esq.	639 08	James Sparks, of Cobham, Surry, in Eng. Esq.	12,000
Eliza Sparks, of Cobham, Surry, in Eng.	6,000	Jean Louis Robert Tronchin, of Geneva, gentleman	2,000
Eliza Scott, of St. Thomas	2,600	Total amount of Stock held by Foreigners in this Loan \$253,358 90	
Rev. Henry Wilmot Sitwell, of Leamington, Warwickshire, in England	5,800	Loan \$300,000.	
Georgianna Charlotte Streatfield, of Walburton House, Sussex, in Eng.	5,900		
Gertrude Harriet Streatfield, of Walburton House, Sussex, in England	5,900	<i>Canal Loan per Act of 30th March, 1832.</i>	
Robert Agleinby Slaney, of Walfard, Shropshire, in England, Esq.	8,000	Baring, Brothers & Co. of London	155,000
Dame Louisa Strachan, of Bryanston Square, Middlesex, in England	5,000	Edward Thomas Bainbridge, of St. Paul's Church Yard, London	1,498 93
Thomas Perrenet Thompson, of Cottingham Castle, Yorkshire, in England, Esq.	25,000	David Bevan and Robert Cooper Lee Bevan, of London, bankers	801 50
Henry Armand Tronchin, of Geneva, gentleman	42,000	John Beadnell, of London	6,862 50
Jean Louis Robert Tronchin, of Geneva, gentleman	5,000	Sir Michael B. Clare, of Cromaty House, in North Britain	6,836 16
Arthur Goodal Wavel, of No. 8 Chaper Place, London	4,400	Thomas Cotterill, of Birmingham, in Eng.	21,000
Richard Wood, of Bermuda.	19,100	Elizabeth Cook, of Clifton, Bristol, in Eng.	32,000
Frederick William Thomas Vernon Wentworth, of Wentworth Castle, Yorkshire in England, Esq.	43,000	Thomas Cotterill, John Towers Lawrence and Wm. Redfern	3,989 49
Christopher Wodsworth, D. D. of Trinity College, Cambridge, in England	19,100	The most Hon. Francis Charles Seymour Conway, Marquis of Hertford, of Great Britain	15,000
Total amount of Stock held by Foreigners in this loan \$1,916,250 93		The estate of Charles Armand De Chardon-nay,	11,489 36
Loan \$2,483,161 80.		A. A. A. Desire D'Erard	216
		J. S. S. S. De La Tullaye	274
		Enoch Durant, Esq. of London	1,759 58
		Margurite Madeline De Lessert, of Paris	8,000
		Nicholas Theodore De Saussure, of Geneva, gentleman	3,000
		The Right Hon. Julia, Viscountess Dudley and Ward	10,000
		Gowan and Marx, of London	193,400
		Erie Magnus Louis Grand de Hauterville, of Geneva	6,000
		Mrs. Isabella Hankey, of London	14,000
		Francis Hall, of Jamaica, Esq.	15,000
		Henry Edward Knatchbull, and Robert George Cecil Fane, both of London, Esqs.	29,600
		John Lewis, of Southampton Place, Euston Square, London, Esq.	612 24
		Alfred Lewis, of the Stock Exchange, Lon. gentleman	687 22
		Charles Locock, of Hanover Square, Lon. M. D.	128 75
		Charles Emmanuel Sigismond de Montmorency, Duc De Luxembourg	12,498 71
		Sotherton Branthwayte Perkham Micklethwaite, of Bridge Place, Sussex, in Eng. Esq.	6316 61

*Canal Loan per Act of 30th March, 1831.*

William Bennett, of Derby, in England, Esq.	8,000
Robert Borrowes, of Dublin, Esq.	27,000
John Brash, of Bethnal Green, Middlesex, in England, gentleman	2,000
John Thomas Betts, of Smithfield Bars, London, gentleman	4,000
Edward Chapman Bradford, of Portman Square, Middlesex, in England, Esq.	5,000
Mary Bateman, of Newington, Surry, in England	1,000
The Hon. George Crantoun, Edinburgh, in Scotland	6,300
The Rev. John Davies, rector of St. Clements, in Worcester, in England	6,000
Wm. Henry Fellowes, of Ramsey Abbey, Huntingdonshire, in England, Esq.	13,000
The Hon. Adam Gillies, at Edinburgh, in Scotland	5,700

Elizabeth Nicholson, of Roundhay Park, Yorkshire, in England, Esq.	150,21
Ralph Nicholson, of Hadham, Hertfordshire, in England, Esq.	40,000
The Right Hon. Henry Manvers, Pierrepont, of Conholt Park, Hampshire, in England	675 97
Armand duc de Polignac, of Nottingham st. Middlesex, in Eng.	33,000
The Hon. Mary Pelham, of Connaught Place, Lon.	12,000
Mrs. Ann Redfern, of Birmingham, Eng.	32,987 41
General John Ramsey, of Berkely Square, Middlesex, in England	24,000
John Edward Rees, of Halifax, N.S.	2,000
Isaac Averill Roberts & Benjamin Roberts, of Great Britain	925
The Right Hon. Philip Henry, Earl Stanhope, of Great Britain	19 67
Alexander Sanderson, of Castle Sanderson, in Ireland, Esq	1370 57
Sir Thomas Charles Style, of Cloghan Lodge, Ireland, Baronet	90 93
George Smith, of St. Germain's in France, Esq.	10,000
Dame Louisa Strachan, of Bryanston Square, Middlesex, in England	20,000
Robert Aglionby Slancy, of Walford, Shropshire, in England, Esq.	8,000
Anthony T. Sampayo, Esq. of London	75,846 55
Armand Henry Louis, Tronchin, of Geneva	6,000
Edward Tyrrell, of Guildhall, Lon. Esq.	10,000
Thomas Wilson & Co. of London	99,000
Total amount of Stock held by foreigners in this Loan \$947,240 64.	
Loan \$2,000,000.	

From the Wyoming Herald.  
REPORT

Of an examination of a route for a Rail Road, from the Valley of Wyoming, at the borough of Wilkesbarre, to the Lehigh river, at the mouth of Wright's creek, by Henry Colt, Civil Engineer.

To George M. Hollenback, Andrew Beaumont, H. F. Lamb, Wm. S. Ross, Charles Miner, Samuel Thomas, Joseph P. LeClerc, Elias Hoyt, Benjamin A. Bidlack, Eleazar Carey, Bateman Downing, Ziba Bennett, Jedediah Irish, Thomas Craig, D. D. Wagener, Azariah Prior, Daniel Parry, Lewis S. Coryell, Jos. D. Murray, John C. Parry, W. C. Livingston, Joshua Lippincott, and Lewis Ryan, Esquires, Commissioners of the Wyoming and Lehigh Rail Road Company.

*Gentlemen*.—The following Report, founded upon an examination of the proposed route of the Wyoming and Lehigh Rail Road, made agreeably to your instructions, with the assistance of Dr. F. C. Ingham, is herewith submitted.

The route of examination commences at the rear of the Borough of Wilkesbarre on the Market street, and extending by General Ross's Mill, Israel Inman's, Solomon's Creek Gap, and thence in a south-easterly direction, and terminates at the mouth of Wright's Creek, on the Lehigh River, about 25 miles above Mauch Chunk. The elevation of the summit above the Borough of Wilkesbarre was found to be 1251 feet, and above the Lehigh 604 feet; and the distance between the two points about 14 miles. This is divided into two divisions,—the eastern and western from the summit. The location upon the western division may be upon a transverse slope, where any grade may be had either for locomotive or stationary power. The maximum angle of ascent on the western division in the direction of the greatest trade, is 40 feet, per mile; that on the eastern division in the opposite direction, 46 feet per mile, which is not objectionable, inasmuch as the power necessary to transact the regular business of the western division, would perform the return business up a much steeper grade.

In the arrangement of the different grades for the application of locomotive, mechanical, or animal power, 460 feet of elevation is overcome on the western division, and 264 feet on the eastern division, leaving to be surmounted by inclined planes, requiring stationary power, 991 feet on the western division, and 339.5 feet on the eastern division, for which as presented by the examination, four inclined planes will be necessary: three upon the western, and one upon the eastern divisions.

The line generally is favourable in regard to curves, none very abrupt occurring; consequently no extra expense will be required to avoid them. Suitable materials for the execution of all mechanical constructions, together with important water powers, are abundant and convenient.

The formation of the road-bed should be calculated for a double track, inasmuch as that from its location it cannot be long after the first is completed before a second will be required; and should the grading be deferred until such necessity is experienced, the additional expense of widening the grade beyond what it would have been in the first instance, would be very great. Not so with the superstructure—the effect is otherwise; and good economy would dictate the laying down first a single track, and make its advantages available in the transportation of materials for the second. An advantage also, to be derived in grading in the first instance for a double track, is, that by the time the second becomes necessary, the road-bed is settled and prepared for the reception of permanent materials.

The following estimate of cost for forming the road-bed is with a view to a double track.

*The Western Division*

Includes all that part of the borough of Wilkesbarre to the summit, and embraces the following grades.

<i>Number of grades.</i>	<i>Estimate.</i>
1st. From the borough of Wilkesbarre, including short cut at M'Caragher's hill, 2 miles, 40 feet ascent per mile, 80 feet ascent,	\$3,000
2d. Including plane, No. half miles, 323 feet ascent,	2,000
3d. Slope mountain by Ross's mill to Inman's 1 mile, 40 feet ascent,	2,500
4th. Two inclined planes, Nos. 2 and 3, including short level between planes, 1 mile, 663 feet ascent,	5,500
5th. Thence to the summit, 3½ miles, 40 feet ascent per mile, 140 feet ascent,	7,250
	\$20,250

EASTERN DIVISION

From the summit to the eastern termination on the Lehigh.

<i>Number of grades.</i>	<i>Estimate.</i>
1st. From summit eastward, 1½ miles, 46 feet descent per mile, 57, 5 feet	2,500 00
2d. Inclined planes, No. 1, half mile, descent 339 5 feet,	2,250 00
3d. By Wright's creek to Lehigh, 4½ miles, 46 feet, descent per mile, 207 0 feet,	8,100 00
	\$12,850 00
Western division brought forward,	20,250 00
	33,100 00
Add for Engineering and unforeseen contingencies 12 per cent,	3,962 00
Cost of graduation,	37,062 00
Average cost per mile,	2,647 28

SUPERSTRUCTURE.

Concurring in opinion with Captain E. Beach, (see



Report of Survey for the Susquehanna and Delaware (Rail Road) who prefers the use of wood to stone for supporting the rafts, we take the liberty to state his reasons:

1st. As matter of economy costing \$1500 to 3000 less per mile than the other plans.

3d. Should any unevenness occur in the road-bed in the line of the ways, to which a new road is very susceptible, it is much more easily adjusted.

3d. By the time the road-bed is properly settled and business requires a second track, the various plans of construction will be tested and the selection may then be dictated by actual experience, and

4th. Great economy and advantage will be derived from this, in delivering upon the spot the materials for a permanent superstructure.

It is almost needless to mention that the route is through a district abounding in timber of the best quality and greatest variety—white oak, white and yellow pine; and also, chesnut, hemlock and beach: therefore, the estimate is founded upon a construction entirely of wood, with wrought iron rail plates, three by five-eighths inches thick, and one turn-out per mile.

#### COST OF ONE MILE.

Timber for the superstructure,	\$1,030 50
Iron rail plates, &c.	1,450 00
Connecting plates, &c.	75 00
Labor putting down rails, drains, &c.	980 00
One turnout,	270 00
Cost one mile superstructure,	\$3,805 50
Average one mile graduation,	2,647 28
Average cost of Rail Road per mile,	6,452 78
Cost of 14½ miles,	91,952 11
Cost of 4 inclined places, at 4000 each,	16,000 00
	\$107,952 11

This estimate is made in view of the use of steam for locomotive and stationary power; but in some instances water power may be used in the place of steam, which would lessen the expense considerably.

The foregoing examination has been made in much haste, with a view of being able to present some of the outlines and great features of the route. On a more careful and minute inspection many important alterations and improvements will no doubt present themselves, which will increase the facilities for overcoming the elevation and lessening the expenses of the undertaking. And in conclusion, I am fully justified in saying, that no serious impediment presents itself to effecting a direct, rapid, and cheap communication between the two proposed points: and when completed, will form one of the most important links in the great system of internal communication in Pennsylvania.

All of which is respectfully submitted by your humble servant,

HENRY COLT.

June 21st, 1833.

#### TO THE PUBLIC.

Annexed is the report of Henry Colt, Esq. the Engineer selected by the Commissioners to survey the route of a Rail Road from Wilkesbarre upon the Susquehanna, to the mouth of Wright's Creek on the Lehigh, meet at that point the Mauch Chunk Canal. This road is wanting to complete a direct uninterrupted communication from the Lake country to Philadelphia through the Pennsylvania Canal at Easton, and to the city of New York by the Morris Canal or the Delaware and Raritan—lessening the distance 142 miles for the descending trade of the North Branch of the Susquehanna, and 44 miles less than at present for the trade of

the West Branch of the river, on its arrival at Northumberland; the inexhaustible beds of Coal and the immense forests of heavy timber, which are to be found in this section of country, are alone sufficient to supply the United States for ages to come; the remarkably short distance to be overcome to complete this chain of extended communication; having materials for its construction upon the whole of its route; the cheapness with which it can be made; the smallness of the capital required, and the unexampled profit which it will yield, are, separately and collectively, evidences that it will be speedily completed. From the actual survey of the ground, the road will not exceed 14 miles in length, at a cost of about \$6,500 per mile, amounting to about \$92,625. Let us add for contingent expenses and make the total \$130,000; the interest of which will be \$7,800. Persons of intelligence and capacity to judge, estimate that 200,000 tons of coal, and 3 millions feet of lumber at least, will pass along this road to New York and Philadelphia from the vicinity of Wilkesbarre alone, which now remain undisturbed where nature placed them; and the great and increasing trade of the Susquehanna which now goes to Baltimore, will be diverted to New York and Philadelphia. Let us estimate the tolls upon the two articles of coal and lumber from this valley alone, and it will be found to exceed \$47,000—yielding a profit upon the capital invested of from 20 to 55 per cent. Nor will this be all: every succeeding year will increase the tolls, and render it the most profitable and durable investment in the world. What is it we require? The magic influence of the capitalist alone is wanting to place us in that situation now, which nature designed us to occupy, and to bring into existence the thousand treasures of iron, copper and coal which now lie buried, whilst the enterprising monied man amasses a princely fortune. Let every housekeeper in the cities of New York and Philadelphia, compare the advantages of this route over every other in the reduction of the price of coal, and he will feel himself interested in its completion.

According to the printed pamphlet of the Susquehanna and Delaware Rail Road Commissioners, coal can be delivered at Easton at \$2 82½ per ton. Taking these estimates as correct as to the cost of coal upon the Rail Road, and all the expenses attending its arrival at Easton, the following will be the result:

Cost of coal delivered on Rail Road,	50 Cts.
Tolls on 14 miles Rail Road, 1½ cents per ton per mile,	21
Transportation on 14 miles at 1 cent per ton per mile,	14
From Wright's Creek on the Lehigh to Easton, 69 miles, at 1½ cent per ton per mile,	1 03½
Transportation to Easton 69 miles at 1 cent per ton per mile,	69
	\$2 57½

Thus upon the arrival of coal at Easton, its cost will be \$2 57½ only—from whence it will find its way to New York or Philadelphia, as the value of it in those cities may induce its owner to select.

From this short but correct statement of the great benefits to be derived when the contemplated Rail Road shall be completed, it must be apparent to every reflecting mind, that it is the duty as well as the interest of every friend of improvement, to give it his warmest support.

A bed of stone coal has been discovered, on Wilson's creek, Tioga county, about seven miles south of Wellsborough. It has been opened, and quantities of coal have been taken out, which are represented to be of good quality. One stratum is five feet thick. The beds are situated about one mile from the summit level of the ridge dividing the north and west branches of the Susquehanna, the country presenting great facilities for either a canal or rail road.



From the Pittsburgh Gazette.

MR. CRAIG.—Passing through the church yard of Trinity church, the other day, my attention was arrested by the following inscription on a dilapidated tombstone.

"Mio-qua-coo-na-caw  
or  
RED POLE  
Principal Village Chief  
of the

Shawanee Nation  
Died at Pittsburgh the 28th January 1797  
Lamented by the  
United States."

I transmit this Epitaph, for publication in the Gazette, in the hope that it may elicit from some of your readers, or from yourself, the particulars in the life and exploits of this Son of the Forest, which produced so honorable a memento from the United States.

AN ANTIQUARIAN.

Pittsburgh, July 3, 1833.

The above communication was received from an esteemed correspondent, on Wednesday last. We have delayed its publication, with the hope of being enabled to furnish a satisfactory reply to the inquiries of our correspondent. We have, however, not succeeded in collecting any information as to the exploits of Red Pole.

In Thatcher's Indian Biography, vol. 2. page 245, he speaks of Blue Jacket, who, it seems, was a brother of Red Pole, as follows—

"Blue Jacket was, at this time, (1791) the leading man of the Shawanese—a warrior of high reputation, though, unfortunately, but few particulars of his history have been recorded."

And, at page 253, he says, speaking of General Wayne—

"They (the Indians) universally called him the *Black Snake*, from the superior cunning which they ascribed to him, and even allowed him the credit of being a match for Buckongahelas, Blue Jacket, or the Turtle himself."

From the same author, at page 257, it appears that the "Little Turtle" warmly opposed giving battle to General Wayne, on the 20th August, 1794, while Blue Jacket was warmly in favor of it.

The following letters, from Major Isaac Craig, give a brief account of the sickness and death of Red Pole, and lead to the conclusion that the inscription on the Tomb Stone was dictated by the Secretary of War. This publication may perhaps induce some person to furnish some particulars of the life of Red Pole.

Pittsburgh, 27th January, 1797.

SIR—The river still continues shut up with ice; Captain Turner and the Indians are therefore still here, and I am extremely sorry that I have to inform you, that about ten days ago, Red Pole, the principal chief, complained of a pain in his breast and head, supposed by Doctor Carmichael to have been occasioned by a slight cold, and for which necessary medicines, &c., were applied, but without success, as his complaints have increased, attended with other bad symptoms, and he is now, according to the opinions of Doctors Carmichael, Bedford, and Wallace, dangerously ill, notwithstanding every possible attention has been paid to him and to the other Indians, of which they are all perfectly sensible, and Blue Jacket, in particular, acknowledges with gratitude that the kindest attention possible is paid to his sick Brother.

I am, Sir,

Your most obedient servant, I. C.

HON. JAMES McHENRY, Sec'y of War, Philada.

Pittsburgh, 3d February, 1797.

SIR,—My letter of the 27th ultimo, I presume, has informed you that Red Pole, the principal chief of the

Shawanees Indians, being then dangerously ill, and I have now to inform you that at 9 o'clock, A. M. on the 28th, he breathed his last, to the inexpressible grief of the other Indians, and indeed of all others that had any knowledge of him. Blue Jacket and the other Indians acknowledge that he was treated with the utmost kindness and attention during his illness, and are highly pleased at the attention and respect paid to his funeral. I have had his corpse attended and interred in the most respectable manner in our church burying ground—and, with your approbation, and to gratify Blue Jacket, and the other Chiefs, I wish to place either a tombstone or a head stone to his grave, with any inscription you may please to point out.

The river is almost clear of ice, and I presume the Indians will be able to embark on Monday next.

I am, Sir,

Your most obedient servant,

I. C.

HON. JAMES McHENRY, Sec'y of War, Philada.

#### THE CANALS.

The several lines of the Pennsylvania canal, are now in navigable order, with the exception of the Delaware division, and a breach on the Juniata, which will interrupt the navigation of that division a few days. Mr. Hendel, the collector at Middletown, in this county, has kindly furnished us with the following statement of tolls taken at that place, since he opened his office on the 1st of May, viz:

Receipts during the month of May,	\$4807 49
Do. do. do. June,	5300 73
Do. from 1st to 9th July,	648 40
Do. at outlet locks and bridge at Middletown up to 9th July,	622 74
	<hr/> \$11,379 36

Mr. Read, the collector at this place received in tolls since spring, up to the 9th of July,	9,967 30
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Total taken at Harrisburg and Middletown, \$21,346 66

Penn. Reporter.

THE HIGHEST STEEPLE IN THE STATE.—For some days past, the workmen have been engaged in rearing the new steeple to the Lutheran Church, in this place, which has nearly reached its destined height. When completed, it will be *two hundred feet high*, independent of the iron rod which is to support the ball and vane, being, we believe, a few feet higher than any other in this state. The Church was erected 35 years ago, together with the brick work of the steeple, and remained thus until within a week past. The site of the present building has been occupied for the same purpose for probably more than a hundred years. We read on one grave stone, which was of rude sculpture, and the inscription German, the date of 1703. The old 30 hour clock, the first of the kind ever in the place, and which used to be in the steeple of the former building, was submitted to the inspection of the curious. We copied from a brass plate the following:

"This Clock is for the Lutheran Congregation in Reading, in the county of Berks, Writt for from England; by Henry Kepple."

And on the small dial, upon which the 60 minutes of the hour only are placed, being 5, 10, 15, &c. is the following:

"Thomas Chilton, Chiswell street, Moorsfield, London."

It is to be regretted that no trace of the year in which this Clock was made is to be found, but it certainly is not less than 70 or 80 years old. A singular anecdote is related of it, though we do not vouch for its correctness. When "Writt for from England," as the brass plate sayeth, a "Clock," which in the German



language, signifies a *Bell*, was intended only; but in those days, as now, it seems an order could easily be misconstrued, and a bell and clock were both sent, as is often the case now a days, when in sending to the city for one article only, you are apt to get half a dozen. So far, the work has progressed without the slightest accident, though hands are difficult to be found, who are willing to be employed at so dizzy an elevation.—*Reading Chronicle*.

CARBONDALE, (Luz. co. Pa.) July 18.

**ELECTRIC SHOCK.**—On Sunday last, our village was visited by a strange phenomenon—we say strange, because comparatively few of our citizens ever witnessed so continued a scene of thunder, lightning, hail, and rain. About two o'clock the sky began to darken, the sure presage of an approaching tempest, and shortly afterwards, sure enough, the loud sounding artillery and vivid flashes announced a fearful contest among the boisterous elements, and apprized our citizens of the approach of danger. The hail and rain poured down in torrents—the wind rose high, and the deafening thunder increased and echoed from hill to hill—till at length a simultaneous flash and report filled all with apprehension that some of our citizens had fallen victims to its fury. The railway at this moment appeared in a blaze, and afterwards continued to sparkle for some time. Blaze succeeded blaze, accompanied by the loudest peels, while the rain continued incessantly, until the conflicting elements, exhausted, became calm and tranquil.

The damages sustained by property were inconsiderable—several persons, however, received severe shocks, and particularly Mr. James Clarkson and his lady were very much injured. The lightning struck the chimney of their residence, and descended in such a manner, as to stun Mr. Clarkson, and render Mrs. C. senseless and speechless for some time. She was considerably burnt, in consequence of which she is still severely indisposed, but hopes are entertained of her speedy recovery.—*Northern Pennsylvanian*.

NORRISTOWN, June 5.

About 5 o'clock on Sunday afternoon, a violent storm of rain and wind arose, which, we understand, did considerable damage in various sections of our country. The roof of the barn on the premises of Mr. J. MATHER, in Whitmarsh township, was blown entirely off, and carried several hundred yards into a field belonging to a neighboring farm. Other buildings in the vicinity, were also injured, and we have heard of several orchards to which very great damage has been done.

**DIED**, the Rev. CHARLES B. MAGUIRE, D. D. for many years pastor of St. Patrick's church, in Pittsburg, Pennsylvania, aged about 65 years.

A friend has furnished us with the following memorandum of the number who attended his funeral:

6 horsemen in front,  
3 mourning carriages,  
300 ladies,  
500 men, on foot,  
9 two horse carriages, each }  
    containing 8 persons, }  
9 one horse carriages, 5 in each c.  
60 horsemen,

Amounting to about 1158 in the procession, exclusive of the immense number who were not in procession, but who followed the remains of the deceased to the grave.—*Mercury*.

**THE COURT HOUSE** is now finished. The workmanship of the building is highly creditable to the contractors and mechanics employed in its construction. The contract price was less than \$4,000. The building is

spacious—being 84 feet in front, including wings; main building 40 feet square; wings each 22 feet front and 26 back. The lower story of the main building is handsomely finished and fitted up for a court room; the second story is divided into very comfortable rooms, for the accommodation of juries, &c. On the front is a room extending the whole length of the main building, and about 20 feet wide, divided in the centre by folding doors. The rear of the building is divided into small apartments. The first story of the north wing will be occupied by the Prothonotary, and the second story by the Sheriff, as offices. In the south wing, the lower apartment will be occupied as the Register's office, and the room on the second floor has been reserved by the County Commissioners as an office for themselves.

The contractors (Messrs. Gustine & Oles) are entitled to much credit, for the prompt and faithful manner in which they have fulfilled their contract. We are only sorry that they have not been more amply compensated for their labor. Certainly, within our knowledge, no building of the same size, as well finished, has been erected for so small a sum of money.—*Mifflintown Free Press*.

#### CUMBERLAND SUFFERERS.

The Committee of Superintendence of the Cumberland Sufferers, in account with Jos. Trotter, Treasurer.

1833,	Dr.	
May 8,	To Cash,	450 00
7,	do.	750 00
9,	do.	400 00
10,	do.	700 00
14,	do.	230 00
30,	do.	175 00
June 1,	do.	170 00
17,	do.	340 00
July 1,	do.	8 90
11,	do.	21 29
	Sundry Expenses,	45 95
		3641 14

1833,	Cr.	
By contributions of the citizens of Philadelphia, viz:		
Chesnut ward,		534 70
South ward,		351 75
High street ward,		376 50
Lower Delaware ward,		299 26
South Mulberry ward,		252 87
North Mulberry ward,		73 91
Dock ward,		492 46
Middle ward,		250 00
Upper Delaware ward,		191 96
Cedar ward,		28 37
		2851 78

By contributions of the citizens of Northern Liberties, viz:		
1st ward,		185 17
2nd ward,		95 00
4th ward,		141 00
5th ward,		58 64
7th ward,		53 25
		533 06
By contributions of the citizens of Muncy,		38 50
Do. do. West Chester,		112 25
Do. Two Churches, Dickinson, Penn.		21 29
Do. Sundry individuals, Societies, &c.		84 26
		3641 14

I do hereby certify that the above account is correct.

M. CAREY, Chairman,  
Committee of Superintendence.  
Philadelphia, July 12, 1833.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 5. PHILADELPHIA, AUGUST 3, 1833. NO. 292.

## From the Commercial Herald. SKETCHES OF PENNSYLVANIA.

No. 5.

"*Non cuius adisce Corinthum*," said the Latin Poet, which being freely translated, means, it is not every man's luck to get to Paradise, even to that "Paradise" in Lancaster county, where we last stopped, and where, at least three-fourths of the people bear the patronimic of "Witmer." Having been thus favored above other men, we may testify our gratitude by tarrying a day for the benefit of our host of the Paradise Hotel—Witmer by name, and by official station, Post Master of the district.

The description of Paradise in the second Chapter of Genesis, mentions the river Pison, as compassing the whole land of Havilah, with the further remark, that the "gold of that land is good." A natural association of ideas leads us to inquire at this particular time, and place, where is the Havilah, or the Ophir, of Pennsylvania; and which is the river with golden sands "*that compasseth it about*?"

The question is seriously asked, and will be seriously answered. As it will lead, however, to a description of matters not immediately connected with the localities of our State, we must ask pardon for what may appear, at first, a digression, but whose connexion with the object of those sketches will, in the end, be apparent.

It is about forty-two years since gold was discovered to exist in Cabarras county, North Carolina. Doctor Thornton, late Superintendent of the Patent Office at Washington, at a very early period of the discovery, pointed out its importance, though he found few persons willing to adopt his opinions. It was at first obtained in small quantities by washing the earth composing the beds of streams, or the alluvial soil on their banks. Up to 1821, the whole amount of gold procured in this way, had not been very large, and the gold district was supposed to include a very limited region. Professor Olmstead, at that time considered it to be included within a circle of eighteen miles radius—or, in other words, within the four counties of Cabarras, Montgomery, Mecklenburg, and Anson, in North Carolina. No regular vein of *gold ore* had then been discovered; that produced from the beds of streams being invariably virgin metal.

Since 1821, vast additional light has been thrown on the subject. A regular formation containing gold in the form of ore, in combination with other mineral substances has been traced, a field of enterprise, and profit has been opened, whose influence upon the industry and prosperity of the country promises to be very great. Instead of the narrow circle before referred to, the gold formation is now known to exist in eleven counties in North Carolina; to traverse the northern parts of South Carolina, and Georgia, and enter Alabama on the south—a distance of, probably, six hundred miles. Northward and eastward also, the same formation has been traced into Virginia; and the richest mine yet discovered is now worked in Spotsylvania county, near Fredericksburg, and within thirty miles of the Potomac.

Those who have examined the locality, seem to agree, that from Alabama to the Rappahannock in Vir-

ginia, there exists a continuous range of rock formation, which is the matrix of the gold, and in which that metal may be found in greater or less abundance. In many places, and probably for many miles, it is so covered by the rocks as not to be accessible. Probably, indeed, its natural formation is such, that it will never be discovered, except when some natural ravine, or water course has penetrated the superincumbent mass.

If it be true that this formation extends six hundred miles, we may fairly argue that it extends still further, until we know some reason why it should cease. Knowing no such reason, we as firmly believe that it crosses the Potomac, the Susquehanna, and the Delaware, as that it crosses the Yadkin, the Roanoke, the James River, and the Rappahannock. In other words, we believe there is as much gold in Maryland and Pennsylvania, as in Virginia, North and South Carolina, and Georgia. The only problem, and a very important one we admit, is, to find it. It may possibly lie too deep "in the bowels of the land," to be reached, but of that we have no evidence.

Where then shall we look for gold in Pennsylvania? The question is easier to ask than answer—and yet may be answered on strong grounds of analogy, and probability, though for want of accurate geological investigation, no certainty can be attained.

If a line be drawn on the map of the United States, from New Echota, in the Cherokee country, in Georgia, through the districts producing gold in Georgia, South Carolina, North Carolina, and Virginia, and ending at Spartansburg in Spotsylvania county, 12 miles from Fredericksburg, it will be found to lie very nearly parallel to the course of the Blue Ridge, which we described in our last, and to preserve an almost equal distance from that mountain—say from 25 to 35 miles. Beyond, or Northwest of the Blue Ridge, no gold has ever been found. Now, as that Ridge certainly extends through Maryland and Pennsylvania, as well as through the states before named, and is understood to maintain in its whole course, a distinct geographical and geological character, the inference is easily drawn that gold must be sought for in Pennsylvania, below that Ridge. Our inquiries, therefore, are limited at once by a line which enters Pennsylvania on the boundary between Adams and Franklin counties, and follows thence the course of the Blue Ridge as described in our last, crossing the Susquehanna near Middletown, the Schuylkill just below Reading, and the Delaware just below Easton. Of the counties east of that line, Philadelphia and Delaware, may certainly, for obvious reasons, be excluded—thus leaving portions of eight counties, namely, Adams and York, west of the Susquehanna, and Lancaster, Chester, Berks, Bucks, Montgomery, and Northampton, east of that river, with reference to which our investigations are to be made.

Another important landmark enables us to contract the question within narrower limits. In an account of the North Carolina gold region (the work as we believe of Professor Renwick) we find the following geographical facts:

"In Randolph and Chatham counties, rises a group of mountains to a height estimated to be at least 1500 feet above the sea. Between this group and the Blue Ridge extends a wide valley in which the Yadkin and



Catawba with their tributaries flow. The intervening space between these ridges, is the North Carolina gold district."

We have always believed that these mountains "in Randolph and Chatham counties," are a continuation of the first Ridge which we described, as the Mine Ridge, or Welsh Mountain of Pennsylvania, and which we represented as extending a great distance to the south-west, and consequently that the "wide valley" between it and the Blue Ridge, is but an extension of the same range of country, which we have clearly described as the Lancaster, or Pequea Valley. If these conjectures are right, no difficulty remains in determining the position of the gold range, as it passes through Pennsylvania. We have in all human probability crossed it in our journey from Cartersville to Paradise.

The discovery of gold, 12 miles above Fredericksburg, in Virginia, tends greatly to strengthen this hypothesis. Another fact of great importance, is, that several years ago, Mr. H. Hayden, of Baltimore, a very skilful geologist, and who by the way, has written a very valuable book on Geology, on his return from examining the mines of North Carolina, predicted that gold would be found in Fauquier county, Virginia—the metal has since been found there in small quantities.

Reflecting on those general views, and a multitude of particular facts, which our limits do not permit us to advert to, we entertain a belief that the south-eastern section of Adam's county, and the south-western portion of York, are the districts of Pennsylvania most likely to contain the precious deposit—that the same formation, if it passed through the state must cross the Susquehanna below Columbia, the Schuylkill between Pottsville and Reading, and the Delaware between Easton and Durham. It is in the more elevated, and hilly portions of the range of country thus indicated, above the limestone formation, that we should expect to find the mineral in question.

There is a marked geological feature by which the rock containing gold may easily be known. It is a quartz like substance, of dullish white, occurring in a region whose general formation is a red friable rock, having, at first glance, the appearance of decayed sand stone, but which on examination, is found to derive its colour from the presence of iron. This quartz occurs in distinct veins penetrating the red mass, or in detached nodules, having no apparent connexion with it. From the masses of quartz the gold is obtained.

In the remarks which we have thus ventured upon, (a topic of great public interest) we may be entirely inaccurate—having no knowledge of geology as a science, we have been compelled to rely upon topographical analogy as the basis of our opinions. If we shall succeed in drawing attention to the subject, our end will be accomplished.

We cannot close this number, however, without expressing our regret that no accurate Geological survey of Pennsylvania has ever been made. A project of that kind has engaged the attention of the Legislature. We hope to see a bill passed, at no distant day, authorizing it. For several years our fellow citizen, Peter A. Browne, has zealously urged it before the Legislature, but without success. We trust the reward of his public spirited labours will not be much longer delayed. Such a survey would solve all doubts, and elicit truths of immense practical importance to the prosperity of the Commonwealth.

#### No. 6.

From Paradise, where our last sketch was made, we resume our journey on the Pennsylvania Rail Road, and in about nine miles enter the city of Lancaster. In this distance we cross Mill creek by a viaduct 550 feet long and 40 feet high, and Conestoga creek by a viaduct 1,412 feet long, and 60 feet high. The latter is among the noblest structures in the state perhaps on the Con-

tinent. Its great length is occasioned by the width of the Conestoga valley, at this point requiring a large proportion of land bridge. It is built upon the Town patent or Lattice plan, differing in this respect from the other bridges upon the road, in which Burr's model has been pursued. The contractor was Amos Campbell, of New Jersey, who constructed the present bridge at the falls of Schuylkill, several on the Germantown Rail Road; and who is engaged to build all the important bridges on the Philadelphia and Trenton Rail Road. The Pennsylvania Rail Road crosses the Conestoga about half a mile above the turnpike bridge, which latter is a substantial stone structure of some four or five arches. It was erected about the year 1789, by Abraham Witmer, a patriarch of the numerous and respectable tribe of that name. By an act of the Legislature, passed in 1787, this intelligent and enterprising German obtained authority to construct the bridge, and to charge a reasonable toll. It continued to be his private property until five or six years ago, when it was purchased by the county of Lancaster, and made free to all comers and goers. The preamble of the law referred to is curious and interesting, on account of the contrast which it exhibits between the resources and enterprise of the Commonwealth at that time, and at the present. A safe crossing of the Conestoga was then essential to the whole communication between Philadelphia and the interior—it was often impassable for many days together—and yet the state of Pennsylvania had not the means to construct a bridge which a single county now would readily undertake.

The public spirited enterprise of a Pennsylvania farmer supplied the deficiency, and entitled him to honorable mention in every history of internal improvement in this state. His was the second bridge constructed under State authority, probably the second of any magnitude in the state. The first was built in 1787, under a similar grant from the Legislature over Nashamony creek on the Bristol road, by Charles Bessonett and Gershom Johnson, "proprietors of the stages from Philadelphia to Trenton on the New York road." The Philadelphia and Lancaster Turnpike Company—the first in the state, or country, was not chartered until 1792, five years after the grant to Abraham Witmer.

What a host of reflections spring from the recollection of these simple facts. Only forty five years ago, the two great communications from Philadelphia, one leading to New York, and the other to our interior, were rendered precarious by the want of bridges over such streams as the Conestoga and the Neshamony. In that short period what changes have enterprise and industry, the genuine growth of free institutions, produced? More than forty millions of dollars have been expended in the construction of roads, bridges and canals.

The Rail Road, after crossing the Conestoga, passes through the beautiful farm of the late Mr. Coleman, and enters the corporate limits of the city of Lancaster, on its northern edge. The elevation of the ground on which the city is chiefly built, induced the Engineer, (Major Wilson) on the first location, to carry his line around half a mile north of the principal street, along a small valley sloping to the Conestoga. He considered that the city would be as well accommodated by a short branch of inconsiderable expense, and which would not interfere with his choice of ground for the main line. After the routes chosen by him had been graded, the people of Lancaster, induced the Legislature to carry a line nearer the main street, involving a heavy deep cut, and an additional expenditure of one hundred thousand dollars. It is doubtful whether they will derive advantage from the change. In the deep cutting, which occurs nearly all the distance through the city, no useful communication can be had with the road, and it must prove inconvenient in many other respects. If they are satisfied, however, far be it from us to complain.



Lancaster is one of the three towns in Pennsylvania upon which the Legislature have conferred the dignified title of *city*. Of these it is third in magnitude—its population in 1830 being 7,700. It has a Mayor, Recorder, Alderman and Common Council, with a charter modeled after that of Philadelphia. The streets are laid out with reasonable regularity, are of convenient width, and the principal ones are well paved. A style of building prevails there, not the most picturesque, and as we should imagine neither economical nor convenient. About two thirds of the houses have but a single very low story—with heavy eaves, and highly sloped roofs, affording the least possible accommodation in proportion to the ground occupied, and to the expenditure for roofing—always an important item. We wish those who build hereafter would reform this fashion altogether. As an additional motive for so doing we would mention the opinion of many eminent physicians, that *Cholera* is most apt to seize those who sleep on ground floors. If this theory be true, Lancaster may lay her account for a severe visitation, should the pestilence enter her borders.

Lancaster contains, nevertheless, many excellent houses, much good society, and a large share of wealth, and of productive industry. It owes its prosperity and importance, mainly, to the fertile and admirably cultivated country which surrounds it—a district surpassed by none on the Continent, for capacity to furnish what man requires for comfort and convenience. Several branches of manufactures and mechanic arts, are extensively followed here—especially the making of stage coaches, and of the peculiar vehicles (hence called, Conestoga wagons,) and harness used on the great turnpikes, which lead to the west and north. It is not long since a post-coach built in Lancaster, took a premium over many competitors in New York and New Jersey.

Lancaster was the seat of Government of the state from 1799 to 1812, when Harrisburg succeeded to that dignity. The Legislature sat in the present Court House, situated in the middle of the main street, according to a practice formerly in vogue, and which is only defensible on the ground that it enables the Judges to refresh themselves by occasional peeps through the window, at the passing world, when the lawyers grow tedious, or the evidence is unentertaining. It has certainly great inconveniences, especially if the street be paved with pebbles, and travelled by Conestoga wagons. In such a Court House many a poor fellow may have been tried, and condemned by a tribunal, who heard but little of what the witnesses testified.

For the information of those who are *curious* in wine, we would remark, that they may always procure the article of excellent quality at the principal hotels in Lancaster. Let them only inquire for "*Reigart's particular*," and they will surely be satisfied, however fastidious their taste; or if it would amuse them to know all the particulars of St. Clair's defeat, let them seek out Captain Slough, who once kept the tavern at the corner of the Court House Square, and who played a conspicuous part on that disastrous occasion.

At Lancaster is the head of the Conestoga navigation, an improvement of that stream by locks and dams, down to its junction with the Susquehanna, a distance of about fourteen miles. Its cost was about eighty thousand dollars, principally subscribed in Lancaster county, but it has not realized the expectation of the proprietors. The locks (constructed entirely of timber) have proved too feeble to resist the pressure of water upon them, and there is not trade to justify the expense of rebuilding, or repairing. The project, in truth, was not founded in a wise calculation of the course of trade, and perhaps would not have been attempted, but for a certain feeling of preference for Baltimore over Philadelphia, which once prevailed in Lancaster, and which we hope to see removed by a more free communication with Philadelphia, and a frank interchange of kind offices

Lancaster suffers, (in the estimation of strangers, at least,) for want of good water. That in common use, derived from wells, is so strongly impregnated with lime, as to be disagreeable to the taste, and unfit for many domestic purposes. We would recommend this subject to the serious attention of the friends of Temperance in that city. When they urge *water* as the best beverage, they should be prepared to supply it of good and hold-some quality. For our part, we never drink the article in Lancaster, except in the form of tea or coffee, and even these are rendered unpalatable by the properties of the water. We do not know whether any plan of supplying the city with pure water is practicable. If it be so, we would hold up the example of Easton, Reading, and Columbia, all situated in Lancaster, on a limestone rock, and yet all supplied with excellent water from the surrounding hills.

From Lancaster we proceed westward on the Rail Road through the great limestone range which we have heretofore described, and through farms of the best quality, to its termination at Columbia on the Susquehanna, a distance of twelve miles. One mile beyond Lancaster we cross the turnpike leading to Harrisburg, the great mail route from Philadelphia to Pittsburg. Two miles further we cross the Little Conestoga by a viaduct eight 804 feet long, and 47 feet high. At the upper end of the borough of Columbia the Rail Road descends to the level of the Susquehanna by an inclined plane 1720 feet long, with a perpendicular height of 90 feet. From the foot of the plane it is conducted immediately on the bank of the river along the whole front of the town, to the Basin at the upper extremity, which terminates the Pennsylvania Canal. Near the same spot is a noble bridge across the Susquehanna, a mile in length. This coming together of three such works, promises to make Columbia a most important position. We shall take occasion to notice it more particularly hereafter.

The present sketch must close with a brief retrospect of the magnificent improvement over what we have passed.

The whole length of the Pennsylvania Rail Road, from the corner of Vine and Broad streets to the Basin at Columbia, is eighty-one and six-tenths miles. It has no rise or fall, in this distance, exceeding thirty feet in the mile, except at the Schuylkill and Susquehanna, where stationary engines will be placed. About thirty miles of the road lie in the county of Lancaster; thirty-seven in Chester; five in Delaware; five and a half in Montgomery; and four in Philadelphia.

As a link in the great chain of connexion between Philadelphia and the West, it cannot fail to accommodate a large and valuable trade. It has other sources of revenue, to which we would call attention. Fifty miles of its course is through, or in the vicinity of limestone land in the highest state of cultivation, abounding with water power, mills and factories. The surplus products of this agriculture, and the fabrics of these mills and factories, must pass to Philadelphia by the Rail Road. Throughout these fifty miles lime is burnt in immense quantities for agricultural purposes, and for building. Wood is already so scarce, that coal brought by the Rail Road from the Susquehanna and the Schuylkill, must take its place in the preparation of lime—thus opening at once a source of revenue to the state, and a market for the refuse, or small coal, that would otherwise accumulate on the wharves at Philadelphia and Columbia.

The population between Philadelphia and Columbia accommodated by the Rail Road, may be estimated fairly at 75,000, that will receive by it all their supplies of goods and fuel, and transmit by the same route all their articles to market.

The transportation of passengers, may also, with judicious management be made very profitable to the State. In the winter season every body going from the North to Washington must take this route, as it will soon afford a continued Rail Road from Philadelphia to



Baltimore, except nine miles between Columbia and York. The distance (one hundred and forty miles) may be easily travelled in fourteen hours. Already the number of such travellers is great, and they will increase in a twofold ratio, as soon as a safe conveyance is afforded. It may be expected too, that in the summer many strangers who have taste enough to admire a finely cultivated and picturesque country, will prefer this mode to the monotony of the steamboats. To this add all the travelling to Lancaster, Harrisburg and the west, which now fills some half dozen large stages daily, with its regular and necessary increase, and we have an item of revenue that will go far to remunerate the state for its enterprize and expenditure.

Our limits do not permit us to go much into detail on these subjects. Our object is rather to awaken curiosity, and excite others to reflect—than to enter ourselves into minute investigations.

Before leaving the Pennsylvania Rail Road, we cannot but remark, that the Legislature or Canal Commissioners, have now on their hands a most delicate and important task, of regulating and reducing to system the transportation upon it. Upon a judicious course in this particular, the value of the road, both as a source of revenue, and a means of public accommodation must greatly depend. The report of the Committee to which during the late session of the Legislature, this subject was referred, fully met our views, and the plan suggested by the distinguished Engineer, Moncure Robinson, seems to us not merely *the best*, but the only one that can succeed.

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FRANKLIN, PA. May 25.

It is highly gratifying to witness the rapid progress of improvement in this county, independent of the public works going on under the authority of the Commonwealth, on the French creek division of the Pennsylvania Canal. Among these improvements we would mention the erection of three new furnaces this summer—Shippen & Black's, and Hamilton & Hume's, both on the waters of Clarion, in the neighborhood of Shippensburg, are about going into blast, and have every prospect of doing a good business—and Cross & Jewell's, on East Sandy creek, about six miles east of this place, is calculated to go into blast in about two weeks. New farms are opening in every part of the county, and numerous new and valuable settlers are coming among us every day. The crops, so far, promise fair to be luxuriant, more so than in any former year, and there is every indication of a great abundance of all kinds of fruit, both wild and domestic.

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From the Commercial Herald.

#### MINT OF THE UNITED STATES.

Through the kindness of the intelligent director of the mint, we are enabled to lay before our readers the following account of the establishment, and progress of this truly National Institution.

On the 21st of February, 1782, a resolution was adopted by Congress for establishing a mint. No measures, however, were taken for carrying this resolve into execution. On the 16th of October, 1786, an ordinance was passed by that body, but was never carried into effect. In 1792, the mint of the United States was established at Philadelphia, by an act of Congress, passed on the 2d of April, and before the close of the year, a few specimens of coin, of the denomination of half dismes, were issued. Early in 1793, a dwelling house, situated on the east side of Seventh street, between High and Mulberry streets, was purchased, and a dwelling in its rear erected, in which the operations of the establishment were carried on.

In this humble and unpretending manner, under the Presidency of Washington, who appreciated its import-

ance, and not unfrequently inspected its progress—this institution commenced its operations.

For the first few years the expenditures seemed disproportionate to its usefulness, in consequence of the scarcity of the precious metals; and the policy of such an establishment was frequently questioned. Public opinion, however, steadily sustained it under the most discouraging aspects.

National in its character and objects, the Mint is supported from the funds of the public Treasury, for the general welfare, where depositors of gold or silver bullion receive, without expense, an equal weight of gold or silver coins. The coinage of both these metals having invariably been free from charge.

From the commencement of the operations of the Mint, to the end of the year 1800, the average annual amount of coinage may be stated at about \$362,000, and for the next ten years ending with 1810 at \$697,000. From 1810 to 1820 the annual amount was \$1,166,000, and from that period to 1830 it was \$1,850,000. The total amount coined at the Mint, from 1793 to the close of 1830, has been \$37,000,000.

The increase of the supply of bullion being progressive, the accommodations of the Mint were from time to time enlarged, but under the expanding operations of the Bank of the United States, it became apparent they were totally insufficient for the increased demand for coinage. The amount of bullion deposited by the Bank of the United States alone, in 1827, exceeded the supply received from all other sources during any previous year. It was found to be indispensably necessary to address Congress upon the subject of providing a more extended establishment; and on the 2d of March, 1829, a resolution was passed making a liberal provision for the erection of a suitable building for this purpose.

In accordance with this provision, a lot was purchased, extending from Chesnut street to Penn Square, on the west side of Juniper street, containing 150 feet front on Chesnut street by 204 feet on Juniper street, and on the 4th of July 1829, the corner stone of the Mint of the United States, was laid with appropriate ceremonies. The building is of white marble, erected from designs furnished by William Strickland. It fronts on Chesnut street, Penn Square, and Juniper street, and is 123 feet front, by 139 feet deep, exclusive of two porticoes each 27 feet, making the whole depth 193 feet. The porticoes are each 60 feet front, supported by 6 columns, of the Ionic order, 3 feet in diameter, fluted, and bound at the neck of the capital with an olive wreath. The entablature of the porticoes extends entirely round the front and flanks of the building, supported by antæ at the corners, and surmounted at the extremes of the flanks, by four pediments.

The building consists of a basement, principal and attic stories. The officer's rooms, vaults, &c. are on the Chesnut street front, and part of the western flank, and are arched and rendered completely fire-proof. The roof is of copper. In the centre of the interior, there is a court 55 by 84 feet, for the purpose of affording additional light, to the various apartments, and a more ready access to each story, by means of piazzas.

The entrance from the south portico, is into a circular vestibule, communicating with the apartments of the Director and Treasurer, and by arched passages, with those of the Chief Coiner, Melter, and Refiner, and with the rooms for receiving bullion and delivering coins. These passages communicate with the attic story, by means of marble stairways, where the apartments of the Assayers and Engravers are situated. Rooms are appropriated for the apartments of the Chief Coiner, Melter, and Refiner. The important process of assaying is carried on in rooms 50 feet by 20; those of the Melter and Refiner occupy a range extending 95 by 35 feet. The principal melting room is 37 by 32 feet; and the process of gold and silver parting is carried on in a room 53 feet by 32.



The preparatory operations of the Chief Coiner are carried on in two rooms 55 by 40 feet, opening to the north portico; the propelling steam power being placed in the basement story. The immediate operations of coinage occupy a range of apartments 120 feet by 32. The principal coining room is 57 by 32 feet, and is large enough to contain 10 coining presses.

In a distinct suite of rooms, in the attic story, the standard weights of the Mint and the balances for adjusting them are kept.

The operations of coining were commenced in this building early in the present year.

The cost of the building including the ground, machinery, &c., was about \$190,000.

The coinage effected during the year 1830 amounted to \$3,155,620: comprising \$643,105 in gold, \$2,495,400 in silver, and \$17,115 in copper, in the following proportions:

GOLD—Half Eagles,	\$631,755
“ Quarter Eagles,	11,350
SILVER—Half Dollars,	2,382,400
“ Dimes,	51,000
“ Half Dimes,	62,000
COPPER—Cents,	17,115
	<hr/> \$3,155,620

Of the amount of gold coined, about 125,000 were received from S. America and the W. Indies, \$19,000 from Africa, \$466,000 from the gold region of the United States, and \$33,000 from sources not ascertained.

In 1831 the coinage amounted to \$3,922,473.60, comprising \$714,270 in gold coins, \$3,175,600 in silver, and \$33,603.60 in copper, as follows:

GOLD—Half Eagles,	\$702,970 00
“ Quarter Eagles,	11,300 00
SILVER—Half Dollars,	2,936,830 00
“ Quarter Dollars,	99,500 00
“ Dimes,	77,135 00
“ Half Dimes,	62,135 00
COPPER—Cents,	33,592 60
“ Half Cents,	11 00
	<hr/> \$3,923,473 60

Of the gold coined, about 130,000 were derived from South America and the West Indies, \$27,000 from Africa, \$518,000 from the gold region of this country, and \$39,000 from sources not stated.

In 1832 the coinage amounted to \$3,401,055, comprising \$798,435 in gold, \$2,579,000 in silver, and \$23,620 in copper, and consists of 9,128,387 pieces of coin, viz.

GOLD—Half Eagles,—157,487 pieces, making \$787,435	
“ Quarter do. . 4,400 “ “ 11,000	
SILVER—Hf. Dolls. 4,797,000 “ “ 2,398,500	
“ Qr. Dolls. 320,000 “ “ 80,000	
“ Dimes, 522,500 “ “ 52,250	
“ Half Dimes, 965,000 “ “ 48,250	
COPPER—Cents, 2,362,000 “ “ 23,620	
	<hr/>
9,128,387	3,401,055

Of the amount of gold thus coined, about \$80,000 were derived from Mexico, other parts of South America, and the West Indies; \$28,000 from Africa, \$678,000 from the Gold Region of the United States, and \$12,000 from places not ascertained.

The following table exhibits the quantity of Gold received from those districts of the United States, which have thus far produced it in sufficient quantities to attract attention, commencing with the year 1824. Up to that period it had been received at the Mint from North Carolina only; from which quarter gold was transmitted for coinage as early as the year 1804. Dur-

ring the interval from 1824 to the commencement of 1824, the amount did not exceed \$2500 annually.

	North Carolina.	Virginia.	South Carolina.	Georgia.	Tennessee.	Alabama.	TOTAL.
1824	\$5000	...	...	...	...	...	\$5000
1825	17000	...	...	...	...	...	17,000
1826	20000	...	...	...	...	...	20,000
1827	21000	...	...	...	...	...	21,000
1828	46000	...	...	...	...	...	46,000
1829	134000	2500	3500	...	...	...	140,000
1830	204000	24000	26000	212000	...	...	466,000
1831	294000	26000	22000	176000	1000	1000	520,000
1832	458000	34000	45000	140000	1000	...	678,000
	1,199,000	86,500	96,500	528,000	2000	1000	1,913,000

From estimates entitled to great credit, it is supposed that the quantity of gold delivered at the Mint within the last year, from the Gold Region of the United States, does not much exceed half of the quantity produced from the mines—nearly an equal amount it is believed having been exported uncoined, or consumed in various works of art. If these estimates are nearly correct, the production of gold in the United States, within the past year, has not been less than a million and a quarter of dollars. This may be regarded as equal to one sixth part of all the gold produced within the same period from the mines of Europe and America, estimated according to the results of recent years, given by the best authorities.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Thursday evening, July 11, 1833.

SELECT COUNCIL.—In the absence of Mr. Ingersoll, Mr. Groves was elected President, pro tem.

A communication from the city Treasurer with certain accounts was received and read.

The Quarterly Report of the Commissioners of the Girard Estate was also presented.

Mr. Massey presented a petition, requesting the attention of the proper authorities to the situation of the street pavement and gutter, in Seventh street, immediately south of Arch street, which was referred to the Paving Committee.

Mr. Lewis presented a petition of sundry inhabitants for a Rail Road in High street, to commence at Broad street Rail Road, which was concurred in. The petition may be found in the proceedings of the Common Council.

Mr. McCready presented a petition from J. Ridgway and others, respecting Delaware Avenue, which was referred to the committee on that Avenue.

Mr. Neff presented the report of the committee on the letter of Jacob Alter, which was after the concurrence of the Common Council, adopted in the Select Council.

Mr. Worrell presented a report of the committee respecting Argand lamps, as follows.



The Committee to whom was referred the letter of the City Commissioners, requiring instructions in regard to lighting at the public cost, reflecting lamps erected by individuals in the streets, at their own expense, provided they would be lighted as heretofore by former Commissioners, Report:

That from the best information they can obtain, these lamps were first introduced by the Committee on the Washington and Independence squares, and streets adjacent thereto; at the Post-office and other public buildings, and from thence the City Commissioners extended their permission to many citizens, conditioned that the cost of the first erection should be at private expense, and under which the number one hundred and twenty-six have been erected without reference to the increased expense of lighting: Of those, there are in the Washington square, 12—Independence square, 17—and the public streets, 97. The light obtained from the lamps in question is, in the opinion of your committee, a great convenience and advantage to the public in every respect. But they are sorry to say, that the expense is very great, being in proportion as nearly four to one.

The committee conceive that the question which they were required to investigate, directly involves not only the expediency of supplying oil at the public cost for these reflecting lamps, but the best mode of producing light for the purpose, towards which such lamps are directed, inasmuch as they may be more successfully employed, or whether any other lamps can with more effect and economy be used—your committee have therefore sedulously inquired whether substitutes for these lamps, or train oil, might not be advantageously used in the streets, or whether they are not susceptible of improvement; whether the height at which the lamp is placed be that at which it would have the most effect, or whether by the introduction of a heater communicating with the reservoir and the flame, the summer strained oil, or other material could not be successfully applied during the whole year to the lamps properly constructed to light the city. We venture further to suggest, that whilst Commerce and Agriculture are regarded as important to the interests of the country, it might not be unwise to adopt any measure which tends to diminish the employment of our Marine, or to abridge the extent of our Fisheries, which all Maritime nations anxiously promote, to reduce the nursery of our hardy seamen, who, in the time of peace, minister to our comfort and wealth, and in time of war have shed glory on our country, and have obtained the highest rank of honor for our flag.

The committee have seen an improvement in the common lamps, by adding reflectors, which would not be so costly, and would greatly improve the light in the streets, and have no doubt that if proper inducements were offered, other improvements, perhaps better adapted to the purpose, would be brought forward, which might effect the object of improving the light, without increasing so considerably the annual expense; and with a view to the present comfort, together with a further inquiry into the matter, the committee recommend the adoption of the following resolutions.

1. Resolved, by the Select and Common Councils, That the City Commissioners be, and they are hereby required, to light, at the public cost, all reflecting or argand lamps, which have been erected by individuals, and hereafter to light in like manner, any lamps which shall be so erected by individuals in any street or alley under their control, provided, that intervals of 150 feet, or thereabouts, be left between the lamps so placed, except where they may otherwise be required for public good, or the intersections of streets.

2. Resolved, That a premium of ——— dollars, or a medal of equal value, be paid for the most approved lamp, which may be adopted, for the purpose of lighting the streets with the most effect, and the least cost.

Mr. Toland from the committee on Rittenhouse

Square, made a report on that subject, which was recommended.

Mr. Neff presented a remonstrance against the erection of a Western Market, in Market west of Eighth street, which was referred to the committee on Markets.

Mr. Massey called up for consideration the resolution relative to the opening of Cherry street, which was read and passed.

Messages requiring a report from the Market House Committee, and with regard to the collection of rents at the Drawbridge, were received and laid on the table.

Mr. Wetherill, Chairman of the Watering Committee, made the annexed report to the Select Council, on Thursday evening.

To the Select and Common Councils of the city of Philadelphia.

Gentlemen—The Watering Committee respectfully report, as expedient, for Councils to grant the request of John M. Ogden, Esq. and others, as set forth in their communication addressed to Councils, in behalf of the Penn Township and Northern Liberty Rail Road Company, and referred to the committee.

They herewith submit a draft of an Indenture for that purpose; also that of a Resolution, authorizing the committee to have it entered into, and the Mayor to affix the city seal to the same.

JOHN P. WETHERILL, Chairman.

Resolved, That the Watering Committee be, and they are hereby authorized and directed to have the draft of the Indenture just read, entered into forthwith, between the Mayor, Aldermen, and Citizens of Philadelphia, and the Northern Liberty and Penn Township Rail Road Company, relative to the parcel of the land of triangular shape, situate at the southwest corner of Coates street and the Columbia Rail Road, &c., or at the north east corner of the City Ground, at Fairmount; and that the Mayor be, and he is hereby authorized and desired, to affix the city seal to the same.

COMMON COUNCIL.—The President submitted a communication from Cornelius Stevenson, City Treasurer, containing a statement of receipts and expenditures from April 1st, to July 1st, 1833; and on motion of Mr. Haines, was referred to the Committee on Accounts.

The President submitted a communication from the Commissioners of the Girard Estate, enclosing the following quarterly report, which was referred to the Committee on Accounts.

The Commissioners of the Girard Estates, in compliance with the ninth section of the Ordinance entitled an Ordinance for the further management of the Girard Estate:

#### REPORT

That their communication to Councils for the quarter ending the 31st of March last, contained a statement of the subjects which engaged the attention of the Board during that period. They now proceed to inform Councils of their transactions for the quarter ending the 30th June last.

On the 9th April, the Board was informed that the case of the Seventh day Baptists vs. Girard, was marked for trial in the District Court for the City and County of Philadelphia, and they immediately directed the papers to be placed in the hands of the Counsellor of the Girard Estate, who was instructed to act in conjunction with the counsel employed by Mr. Girard, in defending the interests of the city. This suit involves the title to a lot of ground on the east side of Fifth, near Chesnut street. The Board are very desirous of having the controversy determined as early as possible:—should the decision be favorable to the city, it will afford a desirable site for the erection of a building adapted to the business of the Trust; the want of which is much felt.



On the same day the Board directed the Treasurer to settle the account of the intestate property with the next kin of Mr. Girard, and pay over to them the balance in his hands on account of that estate. Instructions were also given to the agent to deliver to them possession of the said property.

On the 20th April, the Counsellor of the Girard Estate furnished a written opinion on sundry points embraced in a resolution of Councils of the 2d February last, a copy of which has already been communicated to Councils. On the same day the Executors transferred to the city, certain stocks which enabled the Board to make up the appropriation for the College, which they did as follows:

6331 shares U. S. Bank Stock,	664,715
870,000 dolls. Penn'a. five per ct. Loan,	994,418
100,000 do. City Loan,	113,500
Penn'a. five per cent.	227,367
	<hr/>
	2,000,000

On the 4th May, the Board made up the appropriation for the Delaware Avenue Fund, and for other purposes, in the following manner: having first directed forty shares of the Union Insurance Company Stock to be sold, and the proceeds invested in the Pennsylvania 5 per cent Loan.

Penn'a 5 per ct. loan,	45,822 66
Schuylkill Nav. Co. loan,	276,484 00
Mount Carbon R. Road loan,	30,000 00
Guardian of the Poor loan,	25,000 00
Penn'a Insurance Co. Stock,	11,000 00
Delaware Insurance Co. Stock,	4,200 00
Philad. Insurance Co. Stock,	4,166 67
City 5 per cent loan,	87,745 00
Penn'a 5 per cent loan,	13,860 00
Do. do. do.	1,721 67
	<hr/>
	\$500,000 00

A letter was received from C. Loesar, Esq. Orwigsburg, relative to an action of ejectment for lands in Schuylkill county, which was referred to the Committee on Lands, out of the county of Philadelphia.

On the 8th May, a written opinion was received from the Counsellor of the Girard Estate, relative to the claim of Mr. Roberts to occupy the house in South 3d street, rent free. The opinion is favorable to the claim of Mr. Roberts: who, may, therefore, continue to occupy the house so long as he continues to be cashier of the Trustees of the Old Bank of the United States. The business of the Trustees not yet being wound up, a committee was appointed to ascertain the probable time their affairs will be brought to a close; no information has yet been received.

The Executors of Mr. Girard, having requested instructions relative to the State Tax on the personal property of the Estate, the Board referred the subject to the Counsellor who advised that the tax should be paid—which was communicated to the Executors.

The Executors have notified the Board of their intention of delivering to the city possession of the house in North Water street, the late mansion of Mr. Girard: when this takes place, the income of the Real Estate will be increased by the rent which it will yield.

By the liberality of the Directors of the Girard Bank, the Board was offered a room in their Banking house, which has been accepted for the accommodation of the furniture, books, and papers of Mr. Girard: where they have been deposited.

On June 18th, a communication was received from Councils directing this Board to take measures for contesting the charges made for commissions by the Executors. The subject was referred to the Counsellor with instructions to carry it into effect. The Board are informed that this has been done.

With respect to the Real Estate in the city and coun-

ty, the Board have the pleasure to inform Councils that it is all rented to tenants, who, with few exceptions, pay the rent with punctuality. The whole Estate is in excellent order; and under the supervision of the Agent who reports from time to time its condition, repairs are immediately made when required. For the amounts received from this portion of the Estate, as well from stocks, loans, &c, Councils are referred to the Treasurer's quarterly accounts.

All which is respectfully submitted.

JOSHUA LIPPINCOTT, President.

Attest—MORGAN ASH, Secretary.

The President submitted a communication signed James Laws, agent for Eliza Stout, complaining of the serious inconvenience sustained by petitioner from a spring of water in the cellar of the house at the S. W. corner of Second and Dock street, and praying for a permit for laying pipes to the culvert, for the purpose of draining the same. Also, a letter, signed W. A. Martin, clerk, enclosing a resolution of the Board of Health, recommending the immediate removal of the nuisance complained of, in the manner above mentioned. Referred to the Paving Committee.

Mr. Merrick presented the following petition, signed by citizens residing in Market street, praying that a branch of the Philadelphia and Columbia Rail road may be extended down Market to Eighth street, which was referred to the Rail Road Committee.

To the Select and Common Councils of the city of Philadelphia.

The memorial of the subscribers respectfully represents:—

That the passage of the Philadelphia and Columbia Rail Road through this city is greatly calculated to promote the general prosperity of its inhabitants, and particularly those persons engaged in receiving and disposing of the produce of the interior of the state. It is obvious however, that the benefits to be derived from it will greatly depend on the fact of the road being carried to those parts of the city where this business has been heretofore transacted. All know the difficulties and reluctance, as well as losses of changing long established locations for the transaction of business requiring much room, and connected with the other branches of business necessarily fixed in their present location. Your memorialists owners and occupiers of property on Market street, between Delaware Eighth and Broad streets, therefore respectfully request that a branch of the Rail Road may be continued down Market street from Broad to Delaware Eighth street, with a double or single track, as may be deemed most expedient. This measure is deemed necessary by your memorialists for the general interests of that trade and the city, as well as for the particular interests of your memorialists. It is apparent that if a branch is not made, a large portion of the trade now transacted in this portion of the city and destined greatly to increase on the completion of that road, will be diverted into the Northern and Southern districts adjoining the city, greatly to the injury and prosperity of the corporate limits of this city. Should it be desired and found necessary, it is believed that the funds required to effect this object can be obtained from your memorialists and others without taxing the funds of the city.

Philadelphia, June 28, 1833.

Mr. Gowan presented the following petition from proprietors of wharves on the Delaware river, praying that further proceedings of Councils in reference to Delaware avenue, may be suspended.—Referred to the Committee on Delaware avenue.

To the Select and Common Councils of the city of Philadelphia.

At a meeting of Proprietors of wharves on the river Delaware, within the limits of the city of Philadelphia,



committees were appointed on each square, to view and report to a meeting to be convened hereafter, in relation to the contemplated "Delaware Avenue." It is respectfully suggested to Councils, that they postpone any final decision in relation thereto, for the present.

J. RIDGWAY, Chairman of the Meeting.

Geo. BLIGHT, Secretary.

Philadelphia, July 8, 1833.

Mr. Huston presented a petition from owners and occupiers of property on Haines street, running from Delaware Sixth, westward to Nicholson street, and between Cherry and Race streets, praying that the said street may be paved.—Referred to Paving Committee.

Mr. Smith presented the following remonstrance against the erection of a market house in High street, which was referred to the Committee on Markets.

To the Select and Common Councils of the city of Philadelphia.

The subscribers, owners of property, and residents or transacting business in Market street between 12th and 13th streets, beg leave to state, That they have learned with regret, that the committee on Markets have or are about to report an ordinance to erect a market house in Market street, between 12th and 13th streets. That being extensively engaged in the western trade, consisting of heavy and bulky goods coming in wagons, and having their stores especially adapted to that business, the erection of a market house would effectually deprive them of the convenience they now have in pursuit of their usual occupations. That the continuance of the Pennsylvania Rail Road through the city from Vine to Cedar street along Broad street, will very probably induce business men in Market street, to take a branch down said street—the erection of the market house would render that impossible. That the market for the neighborhood is as well supplied with provisions of all kinds as it would be if the market house was built, the carts and wagons from the surrounding country, extending almost every Market day from Eighth to Juniper street, and even beyond Broad street. And lastly—That they believe your honorable bodies are restrained from the passing of such an ordinance by an act of the legislature regulating the building of Market houses from street to street, as may become necessary, passed March 23d, 1786—(Miller's digest p. 130.) The subscribers therefore respectfully and earnestly remonstrate against the erection of the proposed Market house, it being detrimental to their interests, and that of the city at large, and not in any degree required for the accommodation of the citizens of this and the contiguous neighborhood.

Mr. Gilder, chairman of the Building Committee, on the Girard College, made the following report:—

The committee appointed to take charge of the Girard Lands out of the county of Philadelphia, to whom was referred the communication of Jacob Alter, relative to the purchase or division of thirteen tracts of land in Schuylkill county, one-fourth of which is claimed by him, report:

That as Mr. Girard has made no provision in his will for the improvement of the lands devised by him to the city out of the county of Philadelphia, there are no funds out of which the title of Mr. Alter can be purchased. And whereas, the principle value of those lands is contained in the bowels of the earth, and consists it is presumed in Anthracite Coal, it would be impossible to make a just and equitable division, the committee are of opinion that it would be improper for the City Councils to sanction by their authority any partition of those lands, they therefore offer the following:

Resolved, That the request of Jacob Alter, as contained in his communication of the 20th of June last, cannot be complied with.

Mr. Merrick presented a petition from Joseph Marshall, praying that certain property owned by him, and

pledged as security for the payment of a loan to Daniel Olmstead, from the Franklin Legacy may be released, he having other property to pledge, for the same purpose. Referred to the Committee on Franklin and Scott's Legacies, and the City Solicitor, with power to act.

Mr. Elliott presented a petition from owners of property on Schuylkill Sixth street, between Arch and Cherry streets, praying that said street may be paved. Referred to the Paving Committee.

Mr. Elliott presented a bill from Lydia R. Bailly, for printing, executed under the orders of Councils, from Dec. 1, 1832, to May 16, 1833, amounting to \$1290 92. Referred to Committee on Accounts.

Mr. Gilder, chairman of Paving Committee, reported an ordinance for permitting John Elliott to lay an iron pipe from his chemical Laboratory in Pine street between Schuylkill Fourth and Fifth, to the Culvert, which was read a third time and passed. In the Select Council this ordinance was laid on the table.

Mr. Chandler offered a resolution directing the Building Committee of Girard College to prepare an account of the laying of the corner stone of the College, on the 4th instant, and publish 500 copies of the same, appended to the address of N. Biddle, Esq.

Mr. Lapsley chairman of the Market Committee, offered a resolution, directing the committee to report an ordinance for the erection of a market house in High street, between Eleventh and Thirteenth streets. This resolution was supported by Messrs. Lapsley, Gilder, Borie, and Morris, and opposed by Messrs. Huston, Merrick, and Byerly. It was subsequently amended by striking out the words "between Eleventh and Thirteenth streets," and inserting "west of Eighth street," in which shape the resolution was adopted.

Mr. Chandler called up for consideration the ordinance, published in last proceedings—appropriating \$2500 to the use of the Trustees of Girard College, which passed a third reading, and was finally adopted.

Mr. Byerly called up for consideration an ordinance, published in last proceedings—for the alteration and regulation of Delaware Sixth, between Race and Vine streets, which was finally adopted.

Mr. Haines called up for consideration the report of the Watering Committee, in reference to the sale of certain city property to the Penn Township Rail Road Company, which was adopted. The following is the agreement:

This indenture, made this — day of July, in the year of our Lord one thousand eight hundred and thirty-three, between the Mayor, Aldermen, and Citizens of Philadelphia, of the first part, and the Northern Liberties and Penn Township Rail Road Company, of the second part; witnesseth that the said party of the first part for and in consideration of the sum of one hundred and fifty dollars unto them paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents, do grant, bargain, sell and convey unto the said Northern Liberties and Penn Township Rail Road Company and their successors, all that piece or parcel of land of triangular shape, situate in the District of Spring Garden, at the south west corner of Coates street and a street agreed to be laid out by the District of Spring Garden, by authority of a recent act of Assembly, along and on each side of the Columbia Rail Road, of the width of eighty feet, including said Rail Road, containing on each of said streets sixty feet, and bounded on the south by a circle drawn from points on each of said streets, at the distance of sixty feet from their intersection, at a radius of five hundred feet: To have and to hold the said premises to the said Northern Liberties and Penn Township Rail Road Company and their successors, to and for the use of the said company for ever, for the purpose of continuing and laying out their rail ways thereupon, leaving a footway on the south side thereof: Provided,



and it is hereby agreed between the parties aforesaid, that if the said triangular piece of ground shall not be required for the purpose aforesaid, within the time of five years, or the said Rail Road should at any time hereafter be abandoned, the same shall revert back, and again become the property of the said party of the first part upon re-payment of the purchase money aforesaid to the said party of the second part: and provided also that in laying out the track or tracks of said Rail Road, a reservation shall be made as aforesaid, on said triangular piece or parcel of land, for a footway, to be of the width of at least ten feet between said Rail Road track or tracks, and the city property south of said piece or parcel of land of a triangular shape as herein described, and in accordance with the plan herewith annexed.

In witness of all which, the words "within the time of five years" being first interlined, the public or corporate seal of the party of the first part has been hereto affixed, by the Mayor of the city of Philadelphia, by direction of the Select and Common Councils of the said city, and the public seal of the party of the second party has been affixed by the President of the Northern Liberties and Penn Township Rail Road Company, the day and year first above written.

Received the day of A. D. 1833, of the Northern Liberties and Penn Township Rail Road Company, by the sum of one hundred and fifty dollars, being the full amount of consideration money above mentioned.

Mr. Maitland offered a resolution, directing the City Commissioners to collect immediately, all arrearages due from the tenants occupying Drawbridge Lot—which was adopted.

The resolution of the Select Council, authorizing a deputation of Councils to visit the Girard and Bodinot Lands in Schuylkill county, was taken up and concurred in.

From the National Gazette.

#### PENNSYLVANIA.

Very few of the inhabitants of Philadelphia know much about the State of which they are citizens. They see, around them, a beautiful, rich and flourishing city, and they are proud of it; they hear, occasionally, of the wealth and resources of Pennsylvania, and they are satisfied. When health or pleasure induces them to leave their homes, they betake themselves to swallow nauseous waters at Saratoga; or to bask on the unshaded sands of the sea-beach; or weary themselves, in body and spirit, by pacing, to and fro, in the long piazzas of fashionable watering places, without an object to attract or reward attention. They sit day after day in the same place, at the same table, to devour roasted pigs and rice puddings, which they would not touch at home, and are stewed, night after night, in close and warm closets, called bed chambers; or spread themselves on the tables or floor of the dining room. Whether health or pleasure be the object of these summer excursions, a journey through the northern and western parts of this state is infinitely preferable to these fashionable resorts. Comfort, plenty and cleanliness are found in the unpretending taverns on the road, and every mile opens some scene of novelty and interest,—some evidence of the industry, skill, enterprise and wealth of the commonwealth.

Let the traveller who can feel and understand such manifestations of human power and happiness, take his course up the Delaware. Passing along the cultivated and quiet banks of the river, and always in the neighborhood of the Delaware canal, he will come to Easton; a large and growing town, full of business, and exhibiting the evidences of wealth, hardly exceeded by any place in the United States of the same size and population. In journeying from Easton to Mauch Chunk, by the way of Bethlehem, if he pleases, although a few miles out of the direct road, he will frequently

encounter the canal of the Lehigh company, one of the most substantial and useful works of the kind in this or any country. The scenery is grand, romantic and varied, especially in the vicinity of the Blue Mountain, through which he will pass by a gap made for, or by the clear and beautiful Lehigh. Between Easton and the mountain, the riches of Pennsylvania agriculture are displayed in fields, as far as the eye can reach from successive eminences, loaded with every production of the earth. The different colors of the various grains and grasses give a variety and richness to the picture that lies under the eye, that cannot be imagined by one who has seen nothing but brick houses and paved streets, or pine barrens and white sand.

From the hotel at Mauch Chunk, once very good, I do not know if this season, our traveller may ascend on a rail road, about nine miles, to the mines of the company—and the wonders of the coal region open upon him. I will not stop to describe them. The distance from Mauch Chunk to Pottsville is about thirty miles, two-thirds of which may be passed on a rail road. At Pottsville, you are amidst the creations of magic; the natural magic of money, enterprise and skill. Canals are branching in various directions, connected, by numerous rail roads, with the hills, more or less distant, which contain the mineral wealth that is now distributed to several of our great cities, as well as to many parts of the country, and the demand for which is increasing so rapidly, that its extent cannot be foreseen. But, *Pottsville!* Where and what is this Pottsville? inquires one who declares that it is but five or six years since he visited the place called Pottsville, and there was no city or town, or even a humble village there. He remembers nothing but steep and rugged hills, with the Schuylkill gliding between them, silent and obscure. So it was at a period less distant than that mentioned. But Pottsville is now a large incorporated borough, beautiful in its position, and imposing in its appearance. Fine houses line a long and close-built street. Splendid hotels; extensive stores supplied with every article of luxury or use; and, better than all, an intelligent and polished population, astonish the stranger in Pottsville.

This town has been mainly peopled from Philadelphia, and you meet Philadelphia manners and Philadelphia faces every where. It appeared to me, however, that this surprising establishment has, in four or five years, accomplished the growth of twenty; and that no considerable increase can be expected for some years to come. There is town enough for all the apparent feeders or wants of its position for many years. Its inhabitants ought to be satisfied, if this should be the case, and they can retain the strength they now enjoy. A new settlement runs up to the measure of its resources very rapidly, and then, necessarily, grows more slowly, with the gradual development of its resources and means of increase,—and what first growth, in this country, has equalled this?

Here a day may be well afforded to the examination of the rail road constructing and nearly completed to Girardsville, by Moncure Robinson, Esq. This is, probably, the most remarkable victory of Science and Art over the difficulties of Nature that has been achieved in our country,—the bed made for the road on the sides of lofty and precipitous hills,—the manner in which it is taken over some of them by inclined planes, and through one of them by a long tunnel, and the precision with which every part of this great work has been planned and executed, excite our highest admiration of the genius, knowledge and skill of the distinguished gentleman under whose direction it has been formed.

We leave Pottsville to its smiling fortunes and sanguine inhabitants, and continue our route to Pine Grove, a pretty town which has been called up from the depth of the wilderness, by coal and canals. A branch of the Union canal terminates here, and from it a rail road runs into the hills, where coal is found of an excellent quality, and the work of excavation is already



begun, with fair prospects of success. Speculation, as usual, ran ahead of reason and reality in this place, and has injured it for the present; but it can hardly fail to recover and thrive. In journeying from Pine Grove to Lebanon, you will pass the Blue mountain, presenting scenes of wild and unimproved nature, altogether new to the inhabitants of a city. As you will not be in a hurry, the long ascent and descent will not annoy you, nor its rough scenery be wearisome. The road is perfectly safe, although not made for one of the trotters of a mile in three or four minutes. Arrived at Lebanon, you will have the refreshing comforts of a good inn at Mr. Oyler's, and find yourself in the very garden of the Agriculture of Pennsylvania. Whether you shall here take your course to Harrisburg, and return to the city by Lancaster; or go from Lebanon to Reading, and thence to Philadelphia, the man must be insensible to the best feelings of humanity, as well as to the honest pride of patriotism, who is not excited to a high state of enjoyment in surveying this splendid valley. A rich and untiring soil, cultivated with unceasing industry, throws out abundance at every pore, in all the variety of agricultural production. Large and commodious houses of stone, placed in delightful situations, with ornamental trees and smiling gardens—stone barns of immense extent; pure water flowing from adjoining hills through verdant fields, or gushing from artificial fountains for convenient use, combine altogether the elements of substantial comfort and prosperous improvement that cannot be surpassed in any country.

By spending a few days at each of the places I have mentioned, or by extending the tour to the Susquehanna, a month or six weeks of the summer might be delightfully and profitably disposed of;—our citizens would return with a valuable and interesting addition to their stock of information, and with the full and certain knowledge, that if Philadelphia is a great city, she is but a part of a great state, in all respects worthy of her. She is the head of a body of surpassing beauty and strength. Nor should I omit to mention the uniform and obliging civility of the people of the state, especially the German population. Whether you accept them on the high road or in the streets of a town,—in a private or public house, you are answered and attended to with a plain and simple politeness, which indicates a kind temper and the best dispositions. May I add a political to this moral reflection. You will every where find yourselves among a people devotedly, immovably, unanimously attached to the Constitution and institutions of our country, and who cannot be drawn from them by the arts of interested demagogues, or complaints of imaginary grievances. They cannot be persuaded that they are ruined, with the evidences of prosperity all around them; nor that they are slaves, when they feel no restraint but from the laws of their own making. With a state they may be justly proud of, their state pride would not exalt itself on the ruins of our great republic, or weaken a tie that binds our glorious, happy, and envied Union together.

H.

#### CHARGE OF JUDGE HOPKINSON.

In the District Court of the United States of America, in and for the Eastern District of Pennsylvania.

*Andrew Armstrong,*  
vs.  
*The United States.* } May Sessions, 1833.

Judge HOPKINSON delivered the following opinion:

On the 24th day of April, 1828, Andrew Armstrong the complainant, was appointed by the President, by and with the advice and consent of the Senate of the United State, Navy Agent for the Port of Lima, in Peru, in South America. The commission which testifies this appointment, bears the date above mentioned, and declares that it is "to continue in force during the term

of four years from the 24th of April, 1828. The letter of instructions given to Mr. Armstrong from the Navy Department, is dated on the 16th January, 1829. By the act of Congress passed on the 15th May, 1820, it was enacted that Navy Agents, with other officers mentioned in the act, "shall be appointed for the term of four years, but shall be removable from office at pleasure." In April, 1830, the President revoked the commission or appointment of the complainant, but the notice of the revocation contained in a letter from the Secretary of the Navy of that date, did not reach the complainant until the October following. He continued to reside at Lima until January, 1832, when he left it to return to the United States, going first to Valparaiso, from which port he sailed in March. On complainant's settlement of his accounts with the government in July, 1832, a balance was struck against him of \$12,948 63, which, by a subsequent small credit, was reduced in August to the sum of \$12,875 44, now claimed by the United States. On the other hand, the complainant has presented an account, or claims for credits against the United States, which, if allowed him, will not only absorb the whole demand upon him, but will turn a balance in his favor to the amount of \$4681 74.

The United States to enforce the payment of the amount they allege to be due to them from the complainant, proceeding under the directions of an act of Congress passed on the 15th day of May, 1820, have issued a warrant of distress against the alleged delinquent officer and his sureties, directed to the marshal of this district, in which the said officer and his sureties reside, which warrant has been executed by the said marshal according to the provisions of the said act. By the fourth section of this act, "if any person should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any District Judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the Judge aforesaid may, if he is of opinion the case requires it, grant an injunction to stay proceedings in such warrant altogether, or for so much thereof as the nature of the case requires." Under this provision the complainant filed his Bill of complaint, whereupon he having complied with the requisitions of the act, an injunction was issued to stay proceedings on the warrant of distress. The District Attorney has filed a full answer to all the matters complained of in the bill; and the cause has been heard on this bill and answer, with the vouchers and other evidence produced by the parties respectively. The complainant complains of the rejection or refusal of certain credits in the settlement of his accounts with the government, to which he alleges he is entitled in law or equity; and the District Attorney denies altogether his right in law or equity, to any of the allowances he claims, and prays that the injunction may be dissolved, so that the marshal of this district may proceed under his warrant of distress to levy and collect the said sum of \$12,875 44, remaining due from the complainant to the United States. It is now to be decided, so far as this court may decide it, whether the said injunction shall be continued altogether, or dissolved altogether, or in part; and if the latter, for what amount it shall be dissolved, and the United States be permitted to pursue under their warrant of distress against the complainant and his sureties. To determine this question, it is necessary to examine every item of credit claimed by the Bill and denied by the answer.

The first credit claimed by the complainant, which has been refused to him by the accounting officers of the United States, is a charge of \$5,755 86, being for commissions on his disbursements of monies as Navy Agent at Lima—on these disbursements an allowance has been made to him of one per cent, and the present claim is for an additional or further allowance of four per cent—making a commission of five per cent in the whole. On the part of the Government, it is contend-



ed that a Navy Agent of the United States, whether he reside abroad or at home, is entitled to no more than *one per cent* on his disbursements of monies, by the express enactment of the act of Congress of 3d March, 1809. On the other hand, the complainant avers, that he was not appointed under that act, and is not subject to its provisions, nor bound by its restrictions; but is entitled to a compensation for his services according to their nature and extent, and the usual mercantile commissions for similar services, at the same place, which were five per cent. The real question on this part of the case is—whether the complainant was appointed a Navy Agent under, and subject to the act of Congress of March, 1809, or not—for if he were so, that act after declaring the manner in which Agents shall be appointed for the disbursements of monies for the use of the Navy of the United States, authorizes the President to fix the number and compensations of such agents, “provided that the compensation allowed to either, shall not exceed one per centum on the public monies disbursed by him.” If then, the complainant was a Navy Agent described by the said act; if he received his appointment and authority under, and by virtue of it, he must be bound by all its provisions. The argument on this item has therefore been directed to this question. The attorney for the United States has contended, that the complainant was an officer of the United States, not the agent of a department; that he was a Navy Agent of, and for the United States, appointed as such, by the President and Senate, by virtue of the act of Congress referred to; that previous to *that* act, no appointments or commissions of such agents were ever given by the President, or by the President and Senate as then was done, and as this act directs. That previous thereto, persons had been, from time to time, appointed by the Secretary of the Navy at his pleasure, to perform certain prescribed duties for his department, under such contracts and arrangements as he may choose to make with them, but that the appointment of the complainant was clearly not of this description; but was made, or could have been made, only under the act of 1809. The counsel for the complainant deny that he was an officer of the United States at all; they deny that he was appointed to the service he performed under the authority of the act in question; but that his services were performed for the Navy Department, in the same manner, by the same authority, and with the same rights of compensation with the agents which had been appointed by the Secretary of the Navy, at other places. The cases of, and allowances made to Messrs Hogan, McCall, and others, have been much insisted on, as forming precedents for this—and the distinction relied upon between such agencies as are, and such as are not, within the regulations of the law of 1809, is that they are to be applied only to those Navy Agents whose duties are to be performed in the United States, and not to those who must reside in a foreign port.

After giving a close and careful attention to the arguments and illustrations of the counsel for the complainants, I cannot follow them to their conclusion. It appears to me to be entirely clear that the appointment of the complainant as a Navy Agent at Lima, was an officer of the United States, and not a mere limb of the Navy Department; that he was an officer of the United States, deriving his authority from the constitutional appointing power, the President and the Senate; that their power to appoint Navy Agents, was derived from the act of Congress which created or established the office. Previous to the passage of the law in 1809, there were no such officers, either at home or abroad, properly so called, under the constitution of the United States. The constitution gives the power to the President to nominate, and by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and

which shall be established by law. In conformity with this provision of the constitution, Congress have established by law, the office of Navy Agents, and the President with the Senate, has appointed the *officer*. Prior to this law, the purchase of supplies and the disbursements of monies for the use of the Navy were made directly or indirectly, by the Secretary or by his agents. The state of the Navy did not require a distinct office and officers for these purposes. Those duties or services were performed by persons named for the occasion by the Secretary, and as I have said, were his agents—his arms and not officers of government. They were neither appointed or removable by the President, any more than a clerk in the department. Their agency began and ended with the pleasure of the Secretary, or with the particular service for which they were employed. As our naval establishment was extended, and these services became numerous and important; as the operations of these agents became of great magnitude, involving the expenditure of vast sums of money, it was wisely thought they should no longer be entrusted to the agents of a department, irresponsible in some degree directly to the government, and without any security beyond their own responsibility, for the faithful performance of their trust. The patronage, too, may well have been thought to be of a too high character and value to be allotted to a department. The law of 1809, was intended to put the concerns under a better regulation. The third section enacts “That exclusively of the purveyor of public supplies, paymasters of the army, pursers of the navy, military agents and other officers already authorized by law, *no other permanent agents* shall be appointed either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement in any other manner of monies for the use of the military establishment, or of the Navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate.” It is then enacted, that the President may fix the number and compensation of such agents—but with a limitation as to the latter—“provided that the compensation allowed to either shall not exceed one per centum on the public monies disbursed by him.” The fourth section requires a bond from the agent, with one or more sufficient sureties for the faithful discharge of the trust reposed in him.” All this appears to me to be very intelligible—we see no intimation of the distinction, essentially and necessarily relied upon by the counsel and the complainant, between foreign and domestic agents, in the mode of appointment, the tenure and permanency of their offices, or the terms on which they may receive them. The construction contended for, taking the foreign agents altogether out of the act, would not only deprive the President and Senate of the appointment, but dispense in their case with the security to be given for the faithful discharge of the trust reposed in them, as well as of the limitation of their compensation to one per centum on their disbursements. As regards the bond of security it would seem to me, to be infinitely more necessary in the case of a foreign than a home agent, who is always under the eye and control of government, whereas the other carries on his operations in a distant country, and might be guilty of the grossest irregularities and frauds for a long time before they would be known: and when known the delinquent would be out of the reach of the government, with all his spoil. It has not been pretended that domestic agents are not subject to the provisions of this law, for this would be to repeal it wholly as to all Navy Agents; and I think it has not, and cannot be shown, that any distinction is made by the law, or by the reason and design of the law, between the agents appointed for foreign or home stations. They are equally within or without the law: they are both clearly within it in their appointment, their responsibilities, and their compensation. It has been argued with great earnestness, that this act



relates only to permanent agents, and that a Navy Agent abroad is not a permanent agent, for it is removable at the pleasure of the executive. And in fact, in this case, a removal was made in fifteen months, whereas the foreign agents appointed before the passage of this law, continued undisturbed for many years. The first difficulty this argument has to encounter is, that it applies with the same force to the agents at home, who hold their offices in the same way, and may be removed by the same power that acts upon the agent abroad; and thus the distinction so carefully set up between foreign and domestic agent, is overthrown. What is the meaning of a *permanent agent* as understood in the law? Certainly it does not designate the place of residence as affecting the description. Can we say that the complainant was not a permanent agent, because he was removable, or because he was actually removed by the President? does the legal character or description of the appointment depend upon the exercise of the right of the President over the officer. This is clearly not the meaning of the law, as is apparent from the act of 15th May, 1820, which enacts that "Navy Agents" with other enumerated officers, "shall be appointed for the term of four years, but shall be removable from office at pleasure." The Navy Agents here referred are certainly those which are appointed under the law of 1809, by the description of "*permanent agents*;"—the phrase then, "*permanent agents*," are those agents which shall be appointed by the President, with the advice and consent of the Senate, in contradistinction to those persons who had been, or should be appointed by the Secretary of the Navy, on some special occasion or service, in his discretion and on such terms as he, on his official responsibility, should choose to arrange and make with the person so appointed by him. The officer who takes his appointment from the President and Senate, under the constitution and laws of the United States, testified by his commission, which makes him independent of the Secretary, and removable only in the manner and by the power given by the constitution and the law, may well be considered, legally, to be a permanent officer or agent of the United States. When the law declares that no permanent agent shall be appointed but by the President and Senate, it in effect declares that the agent who is so appointed, is within the meaning of the law, a permanent agent. The district attorney is a permanent officer of the government, although removable at pleasure and commissioned just as a Navy Agent, in contradistinction to a special or temporary attorney who may be employed for a particular case or service.

The cases of Messrs. Hogan and McCall, have been frequently urged upon the court in the argument. It might be enough to answer that they clearly were not appointed under the law of 1809, but made their contracts with the Secretary of the Navy, for the services they undertook to perform. They were not officers of the United States; they were not appointed as such officers must be, they did not derive their agencies, such as they were, from the President and Senate, nor were they appointed under the authority of the act of Congress. Contracts were made with them by the Secretary of the Navy, under a discretionary power exercised by him. It is true that abuses may be practised in this way, but they are not to be presumed. It is true that under the pretence of making a special agent, under special contract, a Navy Agent may be placed in a foreign port by the Secretary, with any rate of compensation he may agree to, and without the securities required by the law from the Navy Agents, for the faithful discharge of their trust, and such an agency may be continued for many years, as they have been, performing all the duties of a permanent Navy Agent, and no more. Such cases might be an evasion of the provisions of the law by the Secretary; but they are always under the control of the President, who by appointing a permanent agent, would supersede the special agency. The complainant in this case went abroad, not with such

special contract in his pocket, but with his commission as the only evidence of his appointment; the only source of his authority. The commission was given to him under the law of 1809—it could have been given to him under no other legal authority; and he took it as an appointment under the law, and subject to all its provisions. I am of opinion that he is entitled to no more than one per centum on the monies disbursed by him for the use of the Navy of the United States; and of course, that he cannot be allowed the credit which he now claims of an additional four per cent. amounting to the sum of \$5,755 86. The one per cent he has already received a credit for.

I have said nothing of the alleged conversation between the complainant and Mr. Hay, a clerk of the navy department. Our knowledge of it, and of the time occurred, is by no means satisfactory; but no such conversation, nor any opinion nor representation of Mr. Hay, or any other officer of the government, could have any effect on the provisions of the act of Congress. If the complainant can show that he accepted his commission in consequence of the representations of Mr. Hay, he may have a case for the equity of Congress, but we are bound to obey the law.

The next credit claimed by the defendant, and which has been rejected by the accounting officer of the Treasury, is a charge of commissions on the distribution of stores, amounting to \$616 23. There is another claim on same account of \$427 76. They will be considered together. The act of 1809, which creates the office of Navy Agent, has also fixed his compensation wholly or in part. We must recur to it for the decision of the question on the distribution of stores; obeying the directions of the law where they are clear and explicit, and giving it a fair and reasonable construction where it is not so. It enacts that the president may fix the number and compensation for such agents, provided, that the compensation to either shall not exceed one per centum on the *public monies disbursed* by him. There is in my mind something equivocal in this form of expression. Does it mean that the whole compensation of the agent for all his services shall not exceed one per cent. on the monies he shall disburse, or that the compensation for, or on account of his disbursements of monies, shall not exceed that rate? Perhaps the more strict and the more obvious construction of the words, as they stand in the law, would be that the whole compensation for all the services of the agent shall be one per cent. on the monies disbursed by him. But it is not explicitly so said, and if we are permitted to resort to construction, as in a doubtful clause it does not appear to be the most liberal interpretation of it. What is the difference in labour or responsibility between the distributing stores and disbursing money for the use of the navy, unless we should say that first is the more laborious and troublesome of the two. They are distinct services in every respect, and why should they be confounded in their compensation? If we look to the practice under contracts made by the secretary with his agents, these subjects of service here have been kept separate, and a commission charged and allowed for each. I must be understood to comprehend in this view, only such stores as were sent out by the Government to the Agent to be distributed by him to the Navy, and not those which have been purchased by him, and for which he has already received his compensation in a charge of commission on the monies disbursed for the payment. The charge now made by the complainant is understood to be only for the stores furnished by the Government. If we adopt the more rigorous construction of the law, and allow to the Agent nothing but his commissions on the disbursement of money for all his services, a case of manifest injustice might occur. The location of agent might be such that it would be more convenient or economical for government to send him every thing, or nearly so that could be there wanted for the use of the navy; and he would have little or no money to disburse,



while his labour in taking care of the stores and distributing them, would be very great and unrewarded. By turning to the 3d section of the act, which creates this office, the duties of the officer in the view of the legislature, and to which the stipulated compensation may be supposed to refer, is as follows—the “making of contracts, the purchase of supplies, and the disbursement of monies for the use of the navy.” No stores or supplies seem to have been contemplated by this law, but such as were *purchased by the agent*, and for which, in course, he has received his commission on the disbursements in making the purchase. But the distribution of stores, or supplies not purchased by him, and for which service he has, in no shape, received any compensation, seems not to have been considered, or distinctly provided for, in the description of duties to be performed by the agent, or in fixing his compensation for his services. Is the credit now claimed be such a one as the head of the department was authorized to allow, in the exercise of his equitable discretion, in the settlement of the accounts of a public officer? or is it so clearly prohibited by the act of 1809, that to allow it would be a violation of the law? In the latter case, neither the Secretary nor the Court have any power over it. In the former, the Court may do whatever the Secretary might have done. We may give the credit, if we are justified in considering the service for which it is claimed, to be a *casus omissus* in the law, not provided for by it, and not within the restriction of compensation there imposed. In such a case we may consider the equity of the claim arising from the performance of a service, for which no remuneration has been made, and its allowance or disallowance would be subject to the discretion of the court, under all circumstances of the case. It is not a credit of positive right, for it is not promised by the act of Congress, or by any contract with the government; and its allowance as an equitable charge will always depend upon the fact upon which the equity is founded. Such an equity may be founded in one case and not in another, and each will be governed by its own circumstances. In this item, I have concluded, not without much doubting, to allow a *commission* of one per cent. on the value of stores or supplies distributed by the complainant, and not purchased by him, but furnished by the United States. The credit claimed in his account is 5 per cent. or \$1043 99, the allowance will be one fifth of that sum, or \$208 80. As connected with this part of the case, I will dispose of the charge of \$183 24, commissions on stores and provisions delivered over by the complainant to his successor, Philo White. This charge is wholly inadmissible. It has none of the considerations in its favour that have influenced my decision on the two last items. Its whole service was probably the delivery of a key to Mr. White. It was his duty to put his successor in possession of the public stores, and can *afford* no ground for a commission, on any principle of the most liberal equity. A charge for clerk hire is deemed at the treasury to be a proper credit to the complainant, and one thousand dollars have been allowed for that object. The balance of \$268 75 was rejected as an excess of what was thought to be a necessary or reasonable expenditure on that account. The complainant has exhibited receipts showing that the whole amount claimed by him has been actually paid to his clerks. He asks only for reimbursements. It must be allowed as there is no evidence of any bad faith or wanton extravagance in the expenditure.

The sum of \$863 33 is *claimed* for damages and interests paid to Alsop & Co., on a bill drawn by the complainant on the Secretary of the Treasury, on the 16th August 1830, which was protested for non acceptance and non payment. The protest of this bill was permitted by the government under a mistake of the fact concerning it. The complainant while legally acting as Navy Agent, had unquestionably a right to draw bills on the government; and many had been drawn

and paid. The only reason for refusing this, was a suspicion or belief, that it had been drawn after the complainant had notice of the revocation of his appointment, and, of course, after his right to draw had ceased. This was altogether a mistake. The letter of revocation was dated April, 1830, and did not come to the knowledge of the complainant, until the October following, several weeks after the date of the bill, which was therefore rightfully drawn. When the truth of the transaction was known, the bill was paid, but the damages which were paid by the complainant in consequence of the protest, by the mistake of the government, and for no fault of the complainant, have been withheld, and the loss thrown upon him. I cannot see on what principle of law this has been done. In such a case, between a factor and his principal, can it be doubted, the factor would be entitled to a full reimbursement of such payment. This credit must be given to the complainant.

The two next items will be considered together. They are so manifestly unsupported by the facts and reason of the case, that it is a subject of regret as well as surprise, that the complainant should have introduced them in his account. The first is a charge of \$1609 87 for his board during his detention in Lima, owing to the protest of his bills, say from the day he ceased to be an agent, the 1st of October, 1830, to the 20th of January, 1832, at \$3 37 per diem. The second is a charge of \$3,229 15 for his compensation for the above time, at the rate of 2500 per annum.

As to the detention at Lima, owing to the protest of his bills, if we could agree that the protest of these bills, drawn by him as an officer of the United States, and for the payment of which he was not responsible, could afford a reason for remaining at Lima, at the charge of the United States, it is not to be doubted, on the clear evidence of the case, that he did not remain there for any such reason, but for his own purpose, or at least, at his own pleasure. He remained at Lima, after the notice of his removal from office, eight months before he knew of the protest of his bill, and during which time he had not any suspicion that it would be protested, yet these eight months are a part of the period during which he alleges that he was detained at Lima, “owing to the protest of his bills.” Again he was informed of the payment of his bills in October, 1831, but his charge for detention runs to the 20th of January, 1832, and did not actually sail for the United States until March, 1832, either because he was attending to business of his own, or it may be he was waiting for a suitable conveyance. In the face of such facts I cannot admit that the protest of these bill had any thing to do with his remaining at Lima, and if they had, I do not see that their protest made such a necessity for his detention as to raise a claim against the United States for it.

The claim for compensation amounting to \$3229 15 for services as Navy Agent, after the revocation of his appointment, and during the alleged detention at Lima is still more unreasonable. The claim is made for the time between the 1st of October, 1830, and the 20th of January, 1832. Now it is not questioned that Philo White, the official successor of the complainant arrived at Lima, and took possession of the stores, and assumed the duties of the appointment in May, 1831. And yet in the face of this fact, the complainant has made a charge as an acting Navy Agent, until Jan., 1832, *full* eight months after he had ceased to have any connection with the office, its duties or services. It is true that when in October, 1830, the revocation of the complainants appointment came to Lima, he was requested by Commodore Thompson to continue to act as agent, as his substitute had not arrived, in procuring supplies for the squadron, and taking charge of such stores as might be sent out for its use. We may presume that he did so. But what were the services he performed under the appointment or request of Commodore Thompson? Merely to procure supplies and to receive and distribute stores. For these he has been paid by



his commission on the monies disbursed for the purchases and on the stores distributed by him. I cannot but observe that in the same account in which he has charged a commission of 5 per cent. for these services, he has also claimed a compensation for them in the shape of a salary, at the rate of \$2500.

I have felt a strong disposition to allow the credit of three hundred and fifty dollars paid by the complainant for his passage home. He left his country and his business and prospects here, whatever they were, under an appointment by the government, which purported by the terms of his commission, to continue for four years, and as much longer as the office and his services might be thought useful and acceptable. It is true he had no legal right to this period of enjoyment, but he had a reasonable expectation of it, provided he gave no cause for a disappointment by his own conduct. No complaint seems to have been made of his ability or fidelity, but he had been but about fifteen months in the enjoyment of the place, when his appointment was revoked. Under such circumstances we can see and feel that a strong moral equity arises to bring him back to the place he was taken from. Between individuals, a just and conscientious man, would, I think have done so. But no instance has been shown, under any such circumstances, of the recognition of a right legal, or legally equitable, in an officer who has been removed, or whose office has been vacated, to charge the government with his return home. I am afraid to set a precedent contrary to all usage and must disallow this credit or charge. So with the complainants travelling expenses in going to Washington to settle his accounts.

The only remaining item or charge in the complainants account is for the purchase of tobacco sold or furnished by him to the United States, amounting to \$4277 68. I can have no hesitation in allowing it. In the letter of the Secretary of the Navy, to the fourth Auditor of the 25th June, 1832, he says: the tobacco must depend on whether the authority to purchase was revoked generally; and whether the revocation reached the pacific station before the purchase was made. If not, it should be allowed. Otherwise, it should not. This is very partial and imperfect view of the question, and it is probable that all the facts of the case were not known to the Secretary—we have them now in evidence. The answer of the United States to the bill of the complainant does not deny or admit, that a report of the tobacco was made by the complainant in his account to the Department, nor that it was surveyed by order of Captain Thompson, as part of the public stores of the United States, and, as such delivered over by the complainant to his successor in office, and regularly receipted for by him, on behalf of the United States. But it is insisted, that if all these things are true, they do not authorize the charge. And why? because it is denied that tobacco was purchased on public account, or by the authority or instructions of any officer of the government; and it is averred that tobacco is not an article which a Navy Agent is authorized to purchase on public account, and that it is to be furnished to our ships by the Pursors, as a part of their stores. That the tobacco in question was the private property of the complainant\* has never been accepted or legally transferred to the United States. That the Navy Department has never received any part of it, or interfered with it, or done any thing to recognize the validity of any transfer or purchase thereof; that no officer of the department or the navy had any authority to do so. In answer to all these denials and averments, what are the plain and uncontradicted facts of the transaction. This tobacco was originally purchased in Virginia, as the United States allege, as the private property of the complainant. After its arrival at Lima, it was sold by him to a Mr. McCulloch, and was afterwards repurchased by the complainant, as

he alleges, for the United States; a part of this tobacco was distributed or delivered by the complainant, before his removal from office, to certain ships of the United States, and the residue remaining in the stores of the United States, was handed over with the other stores, to Mr. White, the successor of the complainant, having been first surveyed by order of Commodore Thompson. From that day to this, not a pound of it has been in the possession, or under the control of the complainant, but that which has not been consumed in the ships of the United States, has continued in the possession of their agent. Why need we enquire whether by the regulations of the navy tobacco is to be furnished to our crews by a Navy Agent or Pursor? If such be the regulation undoubtedly it would have been a good and sufficient reason for refusing to receive this tobacco, either on board the ships or as part of the stores of the United States, and for leaving it in hands of the complainant, for profit or loss, as might happen but it can never afford a justification for receiving the article, for actually consuming a part of it, and for retaining the residue, and refusing to pay for it. As for that part which has been delivered to the ships, a credit has been allowed, and thus far at least a purchase and sale have been recognized and adopted by the department, notwithstanding the alleged navy regulation. In what respect, on what principle of justice or equity, does the part of the tobacco for which the complainant has been allowed a credit differ from that for which he has been refused. The first was delivered to the pursers of their ships, and has been consumed by their crews; the other has been delivered to their agent authorized to procure supplies for the navy, and has been by him distributed to the ships, or is still retained by him as the property of the United States. If he was not authorized to receive it, let him answer for it. It is enough for the complainant that he did receive it, and has receipted for it, as the agent of the United States, and on their behalf. Suppose we should consider that the complainant was not warranted as a Navy Agent to make the purchase from Mr. McCulloch, for the United States. The consequence is that it was his own property, and by him, sold and delivered to Mr. White, who was the agent of the government. Is it any answer to the seller of an article to such an agent, to tell him that by the navy regulations, the pursers and not the Navy Agents are to furnish tobacco to our ships. And therefore the United States may keep and use the article, and are not bound to pay for it. This cannot be. If the tobacco was received from complainant as public stores, then he has a right to charge for it at the price he gave for it; if it was a sale by him to the public agent, then he has a right to receive its fair price or value for it; and we have no better way of ascertaining it, than by taking the actual cost of it to him. I cannot deny that a suspicion hangs upon my mind, that the sale to Mr. McCulloch was not a real transaction, but a contrivance to enable Mr. Armstrong, to sell his tobacco to the United States, at an advance or profit on its cost, which as a public agent he was not authorized to do. If this were clearly shown, it could have no other effect on the case, other than to deprive him of the profit, a few cents a pound, and compel him to pass it to the United States, at its first cost in Virginia, and the charges of taking it to Lima.

The evidence is not sufficiently explicit on this point to enable me to take this ground, and the objection has not been made at the Treasury, from which, I presume they were satisfied in relation to it. I have therefore allowed the sum claimed in the complainants accounts.

The complainant then has been allowed one per cent. commission on stores distributed,  
 Clerk hire, . . . . . \$ 208 80  
 Damages on protested bills, . . . . . 863 33  
 Tobacco delivered to Navy of United States, 4,279 68

\* Shipped to him from Norfolk on his own account and still remains his private property.



He has not been allowed commissions reject- ed at last settlement, . . . . .	5,755 86
His board while detained at Lima, . . . .	1,609 87
Compensation for the same time, . . . . .	3,229 15
The two items for (5 per cent.) commissions on distributions of stores, . . . . .	1,043 99
His passage home, . . . . .	350 00
Travelling to Washington, . . . . .	43 50
Commission on stores handed over to P. White, . . . . .	183 24
Commission on \$80 paid Mr. Henderson, . .	4 00
	<hr/>
	\$12,219 61

Decree in favour of United States, for \$7,254 58.

J. R. INGERSOLL and G. M. DALLAS, Esquires for the complainant.

H. D. GILPIN, Esq. District Attorney for the United States.

From the Elizabethtown Journal.

# EXTENSION OF THE ELIZABETHTOWN AND SOMERVILLE RAIL ROAD.

LUZERNE, Co., 10th May, 1833.

"I proceed to answer your inquiries, and give such information as I possess upon the several subjects to which you have directed my attention—as to bituminous coal. Formations of this coal are known to exist in Bradford county and Tioga county, but neither the extent nor the depth of the strata is yet ascertained. Wood abounding, the inhabitants of Bradford county have not sought this coal for fuel, and there being little demand for it, either domestic or foreign interest, the prime mover of most things, was wanting to induce the investigation. No bed has, I believe, been regularly opened in Bradford county. In the north-east angle of Tioga county, some bituminous coal has been raised, under the influence of the wants of a part of Western New York, and towards which part of the public works of that state are now progressing. The nearest bituminous coal to Pittston is distant about 70 miles, almost directly upon the waters of the Susquehanna, on the waters of the Towanda creek, and at the northern base of Burnet's mountain.

"As to the communication extending still farther to the north and west, calculated to increase the amount of transportation or travel, upon the Susquehanna and Delaware Rail Road, there are several authorized public works, extending from the line of the Susquehanna and Delaware Rail Road at Pittstown, and above it, necessarily tending to produce that effect; one is the Legget's Gap Rail Road, a law for which passed at the session of our legislature previous to the last; the line of this road unites with the Susquehanna and Delaware Rail Road in the valley of the Lackawana, near Centreville, about 12 miles north-east of Pittston. From thence the proposed route of this road runs to the Great Bend of the Susquehanna, above Binghamton, about 50 miles. This would bring the Susquehanna at the Great Bend within 108 miles of the Delaware, at the Water Gap. I forward you a report made on this line in 1832, by Mr. Seymour, a competent engineer. From the point whence this strikes the Susquehanna at the Great Bend, a line of Rail Road may be run, at an easy grade of about three feet descent in a mile, to Binghamton. Here we meet with the Chenango canal, now authorized to be constructed at the expense of the state of New York, a work of great magnitude and extent, penetrating into the heart of the empire state, and forming a connection with the Erie Canal. Our interest continues much higher up the north-east branch, which will be evident on an examination of the map of New York; but I confine myself in this to the authorized or completed public works with which we are at once connected.

"Another extension of the Susquehanna and Delaware Rail Road, bearing farther to the north-west, is the Susquehanna river Rail Road. An act passed the legislature of Pennsylvania, at its last session, authorizing the Governor to incorporate a company to construct a road along the margin of the Susquehanna, on the west side, from a short distance below Wilkesbarre, to the line of our state, near Tioga Point:—thus virtually abandoning the North Branch Canal by the state, and establishing the head-quarters of the Pennsylvania works at the dam, on the Lackawana, a little above Pittston. For some of the many reasons for which the Susquehanna and Delaware Rail Road ought to be made, this river Rail Road will be made; at least such is my decided belief. There are overruling interests, which, when understood, will secure the stock's being subscribed. This river line may be graded from Pittston to the state line, above Tioga, (about 86 miles,) at about two and a half feet elevation per mile. From this to Owego, (say 20 miles farther,) nearly equal facilities exist. Here would be a connection with the Owego and Ithaca Rail Road, now nearly completed; and the communication would be extended from thence by the Cayuga lake, to an intersection with the Erie Canal, forming a splendid line of works, penetrating the very centre and the most beautiful part of the state of New York—a connection of itself of sufficient importance to command the admiration of every friend to the improvement of our common country. Proceeding still farther up the north-east branch of the Susquehanna, a Rail Road may be graded with nearly equal facility to Binghamton, at the entrance of Chenango canal—forming, an available connection with that improvement, in case the shorter route by the Legget's Gap Rail Road should be delayed or fail in its execution.

"Returning to Tioga Point, we find the same facilities for a more western extension. Ascending the Chemung or Tioga river, (the north-west branch of the Susquehanna,) with a little higher grade, but on the finest ground for Rail Road, at about 20 miles from the Tioga Point, we reach Newtown. Here we meet with the Newtown or Elmira canal, and also with the Seneca lake, and come in connection for the third time with the Erie Canal.

"From Newtown, a canal is about being extended still farther up the Tioga river, intended, as I understand, to facilitate the transportation of bituminous coal, from the deposits south of the Pennsylvania line to the western state of New York.

"From Pittston to Tioga Point, from Tioga Point to Owego and Binghamton, and from Tioga Point to Newtown, the grade is so easy, that on a well-constructed Rail Road, with locomotive power, a few hours travel would connect these points. Tioga Point I have always looked upon as the key of nearly all western New York. And I have ever believed the natural, as well as artificial communications connected with this point, destined in the progress of events to bring into and lead through Pennsylvania a great part of the rich products of their most fertile region.

"An early connection of the Susquehanna and Delaware Rail Road with Tioga Point, by means of the Legget's Gap or river Rail Road, would enable it to take charge of a great portion of the Susquehanna trade, to the Delaware at least, and a great portion of it would pass on through New Jersey to the city of New York. This trade will probably treble in amount on the completion of these communications. In passing the eye over the map of western New York, from Tioga Point, no intelligent observer can, I think, fail to be convinced, that to that point all the products of a wide range of fertile and populous territory must surely come, and that if all or any of these are ever to find their way to their own great commercial capital, they must do so by the Pittston, Water Gap, Belvidere, and Elizabethtown Rail Roads.

"Little has yet been said of the public travel, and of



the revenue to be derived from passengers. This item, under present prospects, ought surely to be taken into view. Will not this line of communication, by the Elizabethtown and Somerville, and Susquehanna and Delaware Rail Roads, if extended, as it is now pretty evident it will be extended, by a continued line of Rail Road into western New York, surpass all other routes for the accommodation of travel, and become the most desirable line for passengers, from the city of New York and the New England sea-board, to the Falls of Niagara, to Lake Erie, and to the whole western region?

"On this subject we may, I think, with confidence appeal to facts, unchangeable in their nature, and ask those who would consider this line of Rail Roads, with a view to test its merits, to examine the maps, and particularly a map of western New York, as a map more particularly showing the whole line, the large map of N. Jersey, &c. &c. This, with the facts made known by the Pennsylvania engineers, relative to the north branch of the Susquehanna river, the plan and facilities of the authorized improvements, the report of Captain Beach on the Susquehanna and Delaware Rail Road, the accompanying statements of the Commissioners and the report of the engineers upon the line from Belvidere, via Clinton, Somerville, and Elizabethtown, to New York, will afford a view of the outline of this interesting project, from which I think its merits cannot fail to be duly appreciated. H. W. D.

From the United States Gazette.

#### TIOGA COAL MINES, AT BLOSSBURG, PA.

The abundance of stone coal and iron ore, which the discoveries of a few years have brought to light, as the product of the mountainous districts of Pennsylvania, have given an immense value to sections of the state which ten years since were considered as burdensome to their owners.

The promise of the future is as cheering as the prospect before us, for every year brings new discoveries of mineral wealth, and unseated lands are now becoming objects of deep interest and value to their owners, who have so long held them without remunerating for the expenses to which they have been subjected.

The great extent and central position which Pennsylvania holds on the map of the Union, with abundance of coal in almost every direction, shows to what amount her sister states may be benefitted by her mineral resources; and that to New York and the eastern states, who are less fortunate in possessing the same natural advantages, those resources are becoming objects of deep interest, is no less evident than gratifying to her citizens.

The mines at Blossburg in Tioga county, which are the immediate subject of this notice, produce the finest quality of bituminous coal.

The same veins, extending south and south-west, have been opened in Lycoming county, and prove to be of similar quality.

A recent accurate, geological survey and exploration have been made of the Blossburg mines, by a scientific engineer and geologist from England, Richard C. Taylor, Esq. whose report in a pamphlet form, accompanied by a lithographic engraving of the coal sections, was published last spring.

Mr. Taylor's high reputation in England, and in this country, as a geologist, must entitle his report to the fullest confidence; and he proves incontestibly the inexhaustible quantity, and superior quality, of this coal. Although from his survey, there appears at this point to be 20,000 acres coming under the denomination of coal land, he estimates the supply only upon one fourth that amount; and from the thickness of the veins at their crop only, which have been explored, he shows that one hundred thousand tons may be annually sent to market for the space of 500 years, from 5000 acres of this body of mineral wealth.

TIOGA.

#### VISIT TO THE RAIL ROAD.

Having one day last week taken a walk with a friend to visit the new Rail Road, and witness the operation of ascending and descending the Inclined Plane, discharging the coal into the boats, &c. we finally extended our walk along the Rail Road up to the village of Nesquehoning, and for the first time visited the Room Run mines at that place. We were highly gratified with the appearance of this little village which is springing up as it were in the midst of the forest. We had before seen the neat cluster of white buildings from a distance, in ascending and descending the Broad Mountain on the Berwick turnpike, on the opposite side of the Nesquehoning valley, but were not till this time aware of the extent of the improvements here. Several new dwelling houses and shops have recently been commenced and are progressing briskly, and the place bids fair to become a pleasant as well as flourishing little town. The buildings are nearly all painted or white washed, which gives it a very neat appearance from a distance.

One of the Contractors at these mines very politely escorted us up into those parts of the mines which are now worked. A number of drifts or tunnels have been penetrated several hundred feet into the banks, on each side of Room Run, nearly horizontally, in veins of the most beautiful anthracite, from 20 to 40 feet in thickness, exhibiting as at the old mines, an inexhaustible supply of the first quality of coal.

The loaded cars are let down two short Inclined Planes—drawing up the empty ones as they descend. From the foot of the lower Plane at Nesquehoning, the Rail Road descends to the head of the Plane near the new landing, on a grade so inclined as to let the loaded cars descend by their gravity.

This Rail Road may challenge a comparison with almost any other in the United States, both in its materials and manner of construction. Its bed is laid of earth and stone, and the rails are firmly set it cast iron knees, bolted to stone blocks which gives them a solid and permanent situation.

It is now in successful operation, and capable of allowing a much greater amount of business than is yet done upon it for the want of a sufficient number of Cars. The Company are, however, increasing the number of new ones as fast as they can be made, and the quantity of coal brought from these mines, is consequently fast increasing.

*Mauch Chunk Courier.*

From the Easton Argus.

#### REMARKABLE CIRCUMSTANCE.

The following may be relied on as a fact, and persons are now in this borough who were present when the occurrence took place. There is no doubt but that during the prevalence of the cholera, numbers were interred prematurely.

Albert T. Whelden left Easton on the 27th of June, 1832, and arrived on the line of the Chesapeake and Ohio canal, near Shepherdstown, Maryland, on the 3d of July. On the 15th of August, at 3 o'clock, P. M. he was attacked by the cholera, which was then raging in that neighborhood, and which in almost every case proved fatal. Whelden sent for a physician, who attended, and prescribed the usual remedies. At 6 o'clock he was pronounced in the collapsed stage of the disease, and at 7 was to all appearance dead. At 8 o'clock he was placed by a few friends in a coffin, and taken in a light wagon to the place of interment, about half a mile distant. When arrived at the grave, a groaning was heard proceeding from the coffin, and on opening it, poor Whelden exhibited signs of life, and was liberated from his disagreeable confinement. He is now alive and well, and resides in our borough.



## REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## AURORA BOREALIS.

*Note of the effect upon the Magnetic Needle, of the Aurora Borealis, visible at Philadelphia, on 17th of May, 1833.*

By A. D. BACHE, Professor of Natural Philosophy and Chemistry in the University of Pennsylvania.

*To the Committee on Publications.*

Gentlemen—Circumstances having prevented me from witnessing more than a very small part of the unusually brilliant aurora which was visible on the evening of the 17th of May last, I am indebted for the following description of it to my friend J. P. Espy, Esq., who has kindly furnished it to me from his journal.

"On the 17th May, 1833, the temperature of the air being 68°, and the dew point 66°, a brilliant aurora appeared in the north, about twenty or thirty degrees above the horizon, and extending about thirty or forty degrees on each side of the north point.

"I first saw it a few minutes after nine o'clock, when it was brighter than it appeared afterwards. Streamers, not in motion, were distinctly visible, rising from a dense light below, which seemed to rest on dark clouds underneath, reaching the horizon. All the rest of the sky was clear, and had been so all the afternoon. In a few minutes the streamers disappeared, clouds, which suddenly formed, seemed to take their places, the northern lights still appearing nearly the same, only interrupted in part by a greater number of clouds. I continued to observe the aurora with intervals of but few minutes, and at nearly ten o'clock, I discovered that a very brilliant arch had been formed, passing through the zenith, and terminated by the horizon, about twenty degrees south of east, and the same number north of west.

"The arch was much denser, brighter, and narrower, near the horizon than in the zenith. It passed gradually towards the south, and disappeared, at twenty minutes past ten, about eleven degrees south of Lyra. The clouds, at the time of the disappearance, were rapidly forming north of the arch, all the south being yet clear: in fifteen minutes afterwards the whole heaven was overcast, and the light in the north was hardly visible through the clouds. The air had been coming from the north in the morning, and had changed round by the west, and at the time of the occurrence of the arch it is believed was nearly south-west; below, the direction of the clouds was not observed.

"The dew point had risen, since the preceding day, twelve degrees Fah. It is highly probable that an upper current (not the uppermost) of air, was moving in the direction in which the arch moved, as the air had been moving in that direction a few hours before, and I have frequently observed, when the wind changes, the lower strata next the earth, change first. From the 10th until the afternoon of the 15th of May, the wind had constantly been, by night and day, almost exactly south, with a high dew point, carrying an immense quantity of vapour to the north; on the evening of the 15th, until the night of the 16th, the wind was N. E. with rain, and on the morning of the 17th the wind was north."

On returning home at eleven o'clock, on the evening just referred to, and observing the different magnetic needles which I have arranged for observations on the diurnal variation, a considerable disturbance was indicated. The journal of the hourly observations, kept during my absence in the evening, confirmed that what

I had witnessed was but a part of the disturbance which had actually taken place, and which seems to have affected the horizontal needle especially.

The needles to which I have referred are three in number, two long horizontal needles, of which one is within-doors, and the other\* is under cover in the yard attached to my residence, and a long dipping needle with a knife edge suspension, contained in a small observatory, constructed for the purpose, and also in the yard of my dwelling house. The observations of the horizontal needle, within doors, were made very regularly, and also of the dipping needle out of doors, but the observer not being aware of the appearance of the aurora, did not take the corresponding hourly observation of the horizontal needle out of doors, throughout the whole of the evening.

In order to convey a better idea of the variation on the evening in question, I precede the observations by those made on the following day and night, on which the changes of variation and dip were nearly the regular mean diurnal changes at this time of the year. The variation is referred to the mean variation for the day, or to a point nearly corresponding to this, the sign  $\wedge$  being prefixed to the positions west of this line of mean variation, and the sign  $\searrow$  to those east of the same line. The height of the thermometers contained in the boxes with the needles is given.

Time of observation.	Horizontal Needles.				Dip-Needle		Weather.
	Diurnal changes of variation. Needle out of doors.	Attached Thermo- meter.	Diurnal changes of variation. Needle in doors.	Attached Thermo- meter.	Dip of the needle.	Thermometer at- tached.	
	Minut.	Fah°	Minut.	Fah°	° /	Fa.°	
A. M.		°		°			
8½	— 7.5		0.0	72	71 40	71.4	Cloudy.
9	— 16.5	70	0.0	73	" 36	72.5	Do.
10½	— 7.5	72	— 1.5	73	" 36	72.5	Do.
11	— 4.5	74	— 3.0	74	" 36	74.5	Do.
12	$\wedge$ 0.5	74	0.0	74	" 36	75.3	Do.
P. M.							
1	$\wedge$ 13.5	77	0.0	74	" 33	78.1	{ sun out occ'yly.
2½	$\wedge$ 12.5	82	$\wedge$ 3.0	75	" 30	82.1	{ S. out. C. Clear.
3	$\wedge$ 15.0	83	$\wedge$ 3.0	75	" 30	82.6	
4½	$\wedge$ 13.5	82	$\wedge$ 3.0	76	" 42	83.8	Do.
5½	$\wedge$ 6.0	82	— 1.5	76	" 42	82.6	Do.
6	$\wedge$ 1.5	81	— 3.0	76	" 48	81.5	Do.
7	— 4.5	79	— 3.0	75	" 51	79.3	Do.
8			0.0	75	" 45	75.9	{ L. fle's (Cirr.)
9½	— 10.5	76	0.0	74	" 43	74.8	Clear.
10½	— 10.5	74	0.0	74	" 43	74.8	
11	— 3.5	74			" 42	74.0	

\* A complete description of this needle is given in a paper read before the American Philosophical Society, in November last.



From the table just given, it appears that on the 18th of May, the westerly variation, as given by the horizontal needle out of doors, had two distinct points of minimum, the first at 9, A. M., and the latter between 9½ and 10½, P. M., and two points of maximum, the first at 3, P. M., and the second at some period, not ascertained, after 11, P. M. The same variation shown by the needle within doors, had its minima at 11, A. M., and from 6 to 7, P. M., its maxima between 2½ and 4½, P. M., and at some hour of the night which was not ascertained. The Temperatures of the two needles being very different, the effect of changes of temperature should be ascertained to render the results strictly comparable; a remark which suggests the object, in part, of the observations upon those two needles, so differently situated.

In the dip we find a minimum at 2½, P. M., as the only point very decidedly marked: there is an apparent maximum at 7, which the subsequent observations seem to indicate to have been the result of causes foreign to those producing the regular diurnal changes of dip.

The observed changes for this day, just given, are not entirely regular, and should be considered, of course, in the light of particular results affording merely a term of comparison, which is sufficiently accurate for the purpose in view.

I now give a table of some of the observations for May 17th, with a column of remarks, the portion of which relating to the aurora, is drawn from the description by Mr. Espy, already given.

Hour of observation.	Horizontal Needles.				Dip. Needle.		Remarks.	
	Changes of variation. Needle out of doors.		Changes of variation. Needle within doors.		Changes of dip.			
	Attached Thermometer.		Attached Thermometer.		Attached Thermometer.			
	Minut.	Fa. °	Minut.	Fa. °	° ' "	Fa. °		
A. M.								
8½	—	.5	60	—9.0	70	71 33	59.6	cloudy.
11				—1.0	70½			sun out.
P. M.								
1				½7.0	71			
3				½7.0	72	" 12	74.8	cloudy.
4	½15.0	67		½7.0	72	" 09	75.9	sun out.
5	½1.5	77		½5.5	72	" 18	75.9	clear.
7½						" 36	73.4	
8½				—3.0	72	" 30	71.9	
9				—1.5	72	" 34	71.4	*
10½				—13.5	72	" 30	70.3	sky ov'ct.
11	—13.5	68				" 36	69.1	low strat.

\* Aurora bright; streamers; arch forms about 10, P. M.; arch disappears 10h 20m.

By comparing the third column of this table with the corresponding column of the first table, we find throughout the day, the general accordance in the relative positions of the needle of a minimum of westerly variation at about 8, A. M., a maximum between 1, P. M. and 4, P. M., a second minimum about 8 P. M., a tendency towards a second maximum, which was interrupted by the aurora. There does not appear to have been any marked change from 8½, P. M., to 9; so that the first part of the phenomenon does not seem to have affected the variation. Observations are wanting to show when the effect began to be felt, and when it was at the greatest, and the near coincidence of the observation at half past ten with the time of the disappearance of the arch, must, of course, be regarded as accidental.

In the interval of an hour and a half, between 9 and 10½, P. M., the needle had moved to the eastward 12', or one-fifth of a degree; and the observations during the early part of the phenomena tend to show, if they do not prove, that this motion took place in the latter part of the interval, the mean hourly rate of motion, as shown by the observations at 8½ and 9, P. M., being only three minutes. I regret that the observations were not more regular; but as no particular interest attached to the evening, the observer, as I have already stated, not being aware of the presence of the aurora, I considered myself fortunate in the frequency of those observations which were made; this being a part of the evening in which, usually, there is nothing to require regular observations, being the interval between the evening minimum and the night maximum.

The observations on the horizontal needle out of doors, do not contradict any of the remarks just made, and they show further, that at 11, P. M., forty minutes after the disappearance of the arch, the effect on the needle was still strongly marked; the westerly variation at 11, P. M., having been 10 minutes less than on the same hour of the next succeeding evening. The very rapid formation and disappearance of clouds during the evening, and the low stratus which formed about eleven o'clock, would all, in ordinary cases, have produced slightly marked changes in the variation, but nothing of the character of those noted in the table. The temperature having remained stationary, within doors, during the evening, no part of the changes in the position of the horizontal needle noted in the third column, were due to variations of temperature. The results, in the absence of correction for these changes, are therefore the more valuable.

The dip, recorded in the fifth column of the table last given, has its minimum at 4, P. M., a rise then begins, which is so very irregular as not to permit any inference from it; diminishing between 7½ and 8½, P. M., it increases between 8½ and 9, decreases between 9 and 10½, and subsequently increases to 11 o'clock. These changes do not seem to attach to the different phases of the aurora, and are not more considerable than ordinary meteorological phenomena would produce, such, for example, as are recorded in the first table.

My aim having been merely to establish that a decided disturbance of the horizontal needle was produced by the aurora of the 17th, I have not thought it necessary to supply the corrections for the temperature of the needles which the successful establishment of the changes in diurnal variation will require.

*Journal of the Franklin Institute.*

ALLEGHENY COLLEGE.

It affords us much pleasure to congratulate our fellow citizens of this region of country, and society at large, with the brightening prospects of this Institution. It was incorporated by an act of our Legislature about fifteen years since, and was commenced, carried on, and raised up, by the enterprise and activity of a band of zealous friends, aided by the unexampled liberality of a few; and kindly patronized by the commonwealth. A few years since it arrived at a state of completion for the reception of students, so far as relates to a noble college edifice, an extensive and highly valuable Library, and a respectable Philosophical and Chemical apparatus, but having reached this important point, and as we fondly hoped, about to dispense its blessings throughout our land, to our great mortification, we learned through the many ineffectual attempts of its warm friends to put it into active operation, that the prospect of doing this without the further generous aid of the Legislature, was entirely hopeless for years to come—that the funds necessary to procure and support a suitable faculty of the college, could not under its existing circumstances be raised, in the ordinary mode of individual donations. Thus situated, it has for the last few



years been standing the silent but imposing monument of noble, but unsuccessful efforts in the cause of Literature and Science. In this embarrassing state of things, and when the extensive internal improvement system now in progress in the state, precludes the expectation of receiving much at this moment from that source, a kind Providence, as we sincerely trust, is opening its way to usefulness and fame, and, that at no distant day Allegheny College, surrounded as it is by a widely extended country, healthy and fertile, and rapidly increasing in population and wealth: and where no institution of the kind, has yet been commenced, will justly rank among the most useful of our nation. With these introductory observations relative to this College, the *brightening prospects* alluded to, we will now explain. Some few years since an interchange of sentiment took place between some of the Trustees of said College, and clergymen of the Methodist denomination of Christians, having for its object an arrangement for securing to the College, the patronage of the Pittsburgh Conference of the Methodist Episcopal Church. With a view to effect this desirable object, an agent from the board of trustees of the College attended the meeting of said Conference at Wellsburg, Va., in August last, and made known to them the wishes of the College. With a desire, therefore, to be prepared to act with the best information on the subject, the Conference kindly resolved to hold their next session at this place. The Conference met here on the 16th instant, consisting of the Rev. Bishop Roberts, presiding, and upwards of one hundred clergymen. Those of us who have viewed them in the transaction of business sitting in Conference, or have listened to them from the pulpit, or have had intercourse with them in private life, must feel a pleasure in attesting to their virtues—their talents, and their amiable deportment. A more pleasing state of society has never blessed our village, and with such an interest and influence united with the College, it cannot, under the smiles of Heaven, do otherwise than prosper. We believe the bounds of the Conference extend to more than equal the size of Pennsylvania. On the first day of their meeting they visited the College Edifice, and viewed the Library, &c., and after a few days, resolved unanimously to accept the proposition of the Board of Trustees, by taking the College under their patronage, and appointed a committee to unite with the College in carrying the same into complete effect, and which has since been accomplished so far, as relates to organizing a Board of Trustees, and appointment of faculty, &c. A Roberts' professorship, in honor of the venerable Bishop of that name, has been endowed, and the college will be opened for the reception of students, the first Monday in November next. The following gentlemen have been selected Professors, viz. Rev. Martin Ruter, D. D., President of the Faculty and Professor of Moral Science; Rev. Homer J. Clark, A. M., Vice President and Professor of Mathematics; and Augustus W. Ruter, A. B., Professor of Languages.—*Crawford Messenger.*

From the Commercial Herald.

#### SKETCHES OF PENNSYLVANIA.

No. 7.

Having reached the banks of the Susquehanna, we shall remain stationary for a while, in order to describe the course and character of that magnificent river, as accurately as our opportunities of knowing and our limited space will admit. Columbia too is one of those places where we always liked to tarry longer than for a change of horses. It contains an intelligent and enterprising population, several of whom we have found very agreeable companions. As to the story, that the merchants of this place lay in annually a stock of blind horses, and of watches without works, to trade away to up country people, whose rafts or arks chance to be wrecked on the rocks near the town, and who must,

therefore, sell for any price, or lose all. We hold it to be a sheer fabrication, got up in malice, or in envy, at the prosperity which Columbia enjoys above most of the towns of the river. Still, it must be admitted, they are a shrewd and long-headed people—tight hands at a bargain—who do all they can to make hay while the sun shines, or rather to make money while the river is high.

We have another reason for selecting Columbia as a place of temporary sojourn. It contains one of the pleasantest and best conducted taverns in the state, making no great pretensions to style, but embracing every thing essential to comfort. The landlord, Joe Jeffers, is a wag moreover, of the first order, brim-full of droll stories about the men and things of Lancaster county, and ringleader of all the fun and frolic of Columbia, for the last twenty years. His humour and his gossip have more than once refreshed us after a long ride, quite as much as his glass of good wine, or bowl of iced punch.

As a preliminary to an attempt at describing the Susquehanna, it is necessary that we complete our view of the great mountain ranges of Pennsylvania, two of which (the Mine Ridge, and the Blue Ridge,) we have already described, as also of some other leading geographical features of the state. Without a previous knowledge of these, no one could fully comprehend what we propose to say in regard to the river, since the relative position of certain great features affects, materially, the character of all.

The third important mountain range of Pennsylvania is the Kittatiny, or Blue Mountain, (we shall use the former title,) which crosses the Delaware at the celebrated Water Gap, 20 miles above Easton, and then traverses the state in a general direction from north east to south west. It crosses the Lehigh at the Water Gap of that name, the Schuylkill just above Hamburg, the Swatara half way between Jones' Town, and Pine Grove, and the Susquehanna about six miles above Harrisburg. West of the Susquehanna, it forms the northern boundary of Cumberland county, separating it from Perry, and then entering Franklin, is inflected, like the Blue Ridge, to the South, which course it continues till it enters Maryland, and crosses the Potomac at the village of Hancock. In Franklin county, where it is crossed by the Turnpike to Pittsburg, it is called the Cove Mountain. East of the Delaware, this great Range traverses the Northern part of New Jersey and a portion of New York, till it reaches the Hudson, where it is known as the *Catskill* Mountain. South of the Potomac, it pursues a south western course, under the name of the North Mountain, through Virginia and into North Carolina. By this time it has approached so near the great Allegheny range, as that it can hardly be distinguished from it, and indeed the two are frequently confounded, on the map. In its course through Pennsylvania it is far more distinctly marked, and exhibits a more uniform appearance than any other. Hence it often proves a boundary between counties, dividing Lehigh from Northampton, Berks from Schuylkill, Cumberland from Perry, and Franklin from Bedford. Viewed from some elevated and distant point, and particularly from the Blue Ridge, it has the appearance of a vast wall built across the state, of nearly uniform height, except where a deep notch indicates that it is broken by the course of a river. There is a hill not far from Easton, from which may be seen the whole line of the Kittatiny Mountain, from the Delaware to the Susquehanna, with the passes of those streams, and of the Lehigh, and Schuylkill, and Swatara, plainly marked. Half way between the Lehigh and Delaware is a remarkable depression called the Wind Gap, not because it abounds in wind, but because it appears to have been made without the agency of water. It is a deep notch in the Mountain, suddenly reducing its height by about two-thirds, and which seems to have been produced by some potent natural cause that has now ceased to ope-



rate. One of the heads of the Bushkill, the stream that furnishes Easton with its water power, is in this Gap. Through it passes the important turnpike from Easton to Wilkesbarre.

The passage of the great rivers through the Kittatiny Mountain, affords some of the most magnificent scenery on the continent. Of these the Delaware Water Gap is the finest—superior in all respects to the justly celebrated Harper's Ferry, and worthy of a comparison with any thing of the Hudson. The Susquehanna and Kittatiny, as seen from the cupola of the Capital at Harrisburg, present also a most noble picture.

While on this subject we may observe, that arrangements have recently been made for the comfortable accommodation of strangers at the Delaware Water Gap. Our citizens who make a summer excursion for health, or pleasure, would find both at that delightful spot, with the advantage of seeing nature in her grandest forms.

Under the Kittatiny Mountain, and between it and the Blue Ridge, lies an extensive range of fertile, and comparatively level country, commonly designated as the Kittatiny Valley. The distance between these mountains, and consequently the width of the valley, is generally from fifteen to twenty miles. About half of the valley comprehending all the most level portions, is a limestone formation—the remainder, or more broken parts, rests upon a species of clay slate. The former is invariably, land of admirable quality, in a high state of cultivation; the latter is of a greatly inferior quality.

The Kittatiny Valley includes portions of the counties of Northampton, Lehigh, Berks, Lebanon, Dauphin, Cumberland, and Franklin, in Pennsylvania; of Washington, in Maryland; and of Berkeley, Jefferson, Frederick, Shanandoah, Rockingham, Augusta, Rockbridge, Botetout, Montgomery, and Grayson, in Virginia. It extends, also, through North Carolina and Georgia, into Alabama. It contains a large portion of the important inland towns in these States—for instance, Easton, Bethlehem, Allentown, Kutztown, Reading, Womelsdorf, Myerstown, Lebanon, Palmyra, Hummelstown, Middletown, Harrisburg, Carlisle, Shippensburg, Chambersburg, and Green Castle, in Pennsylvania—Hagerstown, in Maryland—Martinsburg, Charlestown, Shepards town, Winchester, Woodstock, Staunton, and Lexington, in Virginia. All the towns in Pennsylvania which we have named, stand upon the Limestone portion of the valley, while upon the Slate, scarcely a village worth naming, except perhaps Hamburg, on the Schuylkill, has grown up.

This Limestone formation abounds with cavities, and hence small streams frequently disappear for miles, and then suddenly burst from the ground in the form of copious springs. It is not uncommon for whole acres of ground suddenly to sink.

To this range of country belong several of the caves of Virginia, and the celebrated natural bridge, which is a huge limestone rock perforated by a small branch of James river.

The Shenandoah follows the Kittatiny valley throughout its whole course, running at the western base of the Blue Ridge, and remarkable as being the only stream of equal magnitude which does not break that mountain. It seems to be conscious of the gigantic effort required for the purpose, and therefore waits until reinforced by the mighty Potomac. Immediately below the junction is the pass of Harper's Ferry. In the same valley are the Conococheague, a branch of the Potomac, on which Chambersburg is situated, the Conodoguinet, a branch of the Susquehanna, and the Tulpehocken, running to the Schuylkill, opposite Reading.

“That section of the valley (says Darby) which traverses Pennsylvania, is about 160 miles in length, and covers an area, of perhaps, 3000 square miles. The south-eastern part is formed of transition limestone, the

north-western of clay slate,—the two rocks touch each other as if placed by art.”

In Cumberland county the Conodoguinet creek forms, for many miles, the boundary between the limestone and slate. Near the point of junction will frequently be found a species of impure limestone from which the aqueduct cement used in masonry, exposed to water, is prepared. It owes its property of hardening under water to the presence of the iron and silex. In such a position near Hummelstown, the cement used for locks, on the Union Canal was obtained. That for the Lehigh and Delaware Canal was principally produced above Allentown. Experience has proved it to be of good quality, and equal, for most purposes, to the celebrated Roman cement. We believe it may be found (more or less perfect) at almost every point where limestone rock ends, and the slate begins.

The Kittatiny valley is among the most fertile, and beautiful portions of Pennsylvania. A traveller who desires to see the State to advantage, should pass from Easton to Reading, thence to Lebanon, Harrisburg, Carlisle, and Chambersburg. In the whole distance he will pass but few spots which do not bear testimony to the bounty of nature, and the successful industry of the inhabitants. He will find the population almost exclusively German, until he enters Franklin county, which contains a large proportion of Irish and Scotch descent.

This fertile region is crossed at right angles by three important improvements, namely—the Lehigh Canal, the Schuylkill Navigation, and the State Canal along the Susquehanna. The Union Canal follows the valley in its whole course from the Susquehanna to the Schuylkill. By these channels its surplus products are forwarded into the Philadelphia market. Franklin county and a part of Cumberland, however, find their outlet by the Potomac, and to Baltimore.

In our next we shall complete our view of the great mountain ranges of Pennsylvania.

#### No. 8.

Our last was occupied by a brief description of Kittatiny, or Blue Mountain, and of the magnificent valley lying at its base. In the present number we shall endeavour to complete our general view of the great mountain ranges of Pennsylvania.

About fifty miles west of the Kittatiny, (measuring on the southern line of the state,) we come to the ridge generally known and distinguished as the “Great Alleghany Mountain.” It enters Pennsylvania from Maryland in a northerly direction, (a little inclined to east,) and continues that course, dividing Bedford from Somerset and Cambria counties, until it reaches the northern angle of Bedford; then turning to the north-east, divides Huntingdon from Cambria, and enters Centre on the angle between it and Clearfield; then north-easterly through Centre, till it strikes the west branch of the Susquehanna, just above the mouth of Bald Eagle Creek. Crossing the west branch, (according to the received maps,) it traverses Lycoming in a direction almost due east, and enters Luzerne at the angle between it and Columbia. Resuming its north-eastern course, it passes through Luzerne, crosses the north branch above Tunkhannock, and passes through the eastern part of Susquehanna county into the state of New York. South of Pennsylvania the same mountain has a general south-western direction, through Maryland, Virginia and Tennessee, and is lost in the northern part of Alabama.

Between the line thus indicated, and the Kittatiny Mountain described in our last, is contained a portion of Pennsylvania, which, in general terms, may be called a parallelogram, of which Bedford county is the base, and the opposite extremity is the Delaware, in Wayne county. This parallelogram is about 250 miles in length from south-east to north-west, with a general breadth of about 50 or 60 miles, may properly be de-



signated as the *Central Mountain Region* of Pennsylvania. It embraces the counties of Bedford, Huntingdon, Centre, Mifflin, Juniata, Perry, Union, half of Lycoming, Northumberland, Columbia, Luzerne, Pike, Wayne and parts of Dauphin and Northampton. As a whole, it is by far the most rugged and mountainous section of the state, presenting the largest portion of land, incapable of cultivation. Probably not more than one-fifth of its whole surface can, under any circumstances, be rendered useful for agricultural purposes.

When using such general terms, however, we do not mean to exclude any distinct and striking exceptions. Some portions of this very territory have great natural fertility, and are highly improved by cultivation. Its valleys contain land equal to any other in the state, and several of them are of very considerable extent—for instance, Penn's valley, in Union; Kishicoquillas, in Mifflin; Bald Eagle, in Centre; Wyoming, in Luzerne—the valley of the west branch from Northumberland, to Jersey Shore, and of the north branch up to Berwick. Still the general characteristics of the whole section, are ruggedness and intractability, while the districts adorned by opposite qualities must be regarded as exceptions to the rule.

A journey through this portion of the state, or an examination of it upon the map—presents a constant succession of mountains, which from their number, the want of accurate surveys, and especially from the infinite variety of local names that have been applied to them, it is difficult to trace into separate ranges—some of the ranges however are strongly marked, and when enumerated will sound familiar to our readers.

The *Tuscarora* mountains, for example, running nearly parallel to the Alleghany, and the Kittatiny, separate Franklin from Huntingdon, and Juniata from Perry, crosses the Juniata near Millersburg, and the Susquehanna above Liverpool. East of the Susquehanna it is known as the Broad mountain, which crosses the Schuylkill above Pottsville, and is probably identical with the Mauch Chunk mountain, and with the Pokano, which you cross on the road from Easton to Wilkesbarre. On the same side of the Susquehanna, between the Broad mountain and the Kittatiny, three distinct ranges may be traced to the Schuylkill and the Lehigh, known as Peter's, Third or Sharp mountain, and Second mountain. These also extend west of the Susquehanna, and cover a large part of the surface of Perry county.

All travellers to Pittsburg remember Sideling hill, in Bedford county. This mountain, ranging north east, crosses the Juniata below Huntingdon. Under the name of Jacks it bounds the Kishicoquillas valley, in Mifflin, and then extends itself through Union, Columbia and Luzerne.

To designate all these ranges would be useless, even if it were practicable. Suffice it to say, they nearly fill up the space between the Alleghany and the Kittatiny, leaving comparatively small interstices of valley or alluvial land. The circumstance most worthy of remark, is, their general parallelism to each other, and to the other great ranges of which we have occasion to speak. In nearly all, a course from southwest to northeast is strictly preserved.

Darby has described one other chain belonging to the division of the State, which is interesting, because in a part of its course, it forms the western boundary of the beautiful valley of Wyoming. "It leaves," (says he,) "the Susquehanna above Northumberland, and traversing Northumberland and Columbia counties, enters Luzerne, and is broken by the Susquehanna river 16 miles below Wilkesbarre. Skirting the left bank about eight miles, it is again crossed by the river, and continuing its course northeast passes about  $2\frac{1}{2}$  miles from, and opposite Wilkesbarre. Preserving its course northeast, it is for the third and last time crossed by the river, above the mouth of the Lackawanna, 10 miles above Wilkesbarre." Parallel to the range thus de-

scribed, and east of the river, is the Wyoming mountain which first takes that name 12 miles below Wilkesbarre and extends northeast through Luzerne into Wayne county. This range bounds Wyoming valley on the east. From its summit the traveller on the turnpike from Easton to Wilkesbarre, obtains his first view of that delightful region which the song of Campbell has rendered immortal. Yet no traveller, we are persuaded, ever looked down from the Prospect rock, without feeling the superiority of nature over art, of the reality over description. The whole course of Lackawanna creek is in the Wyoming valley; and it is the Wyoming mountain, with a change of name to Moosac, over which the Rail Road of the Hudson and Delaware Company from their Coal mines to their Canal passes.

The extensive section of the state which we have designated as the central mountainous region—presented no very encouraging prospects to the first settlers of the country. Here and there a strip of alluvial land upon the great rivers, or the sequestered valley of some smaller stream buried deep in the bosom of the mountains, held out inducements to the industry of the farmer. But the general aspect was rugged and unpromising—and a great portion of the country apparently incapable of supplying the wants of any population, advanced by civilization above the rude hunter-state.

In this very district, nevertheless, some of the choicest bounties of Providence have been bestowed with a liberal hand. It is like the "toad, ugly and venomous," but "wears a precious jewel in its head,"—upon it more than upon any other, Philadelphia must find her prospective greatness, and Pennsylvania her claims to superiority over the rest of the Union.

In order to comprehend these views more clearly, we must beg our readers to recur to the map of Pennsylvania, and to fix their attention on the parallelogram included between the Alleghany and the Kittatiny Mountains, having Bedford county for its base; and for its northeastern termination the counties of Pike and Wayne on the Delaware. It is capable of a division into parts, separated from each other by strong natural boundaries; and each constituting a distinct quota to the wealth of Philadelphia and the state.

That portion of the parallelogram which lies west of the Susquehanna, and south of the west branch, including the counties of Bedford, Huntingdon, Centre, Mifflin, Juniata, Perry, and Union, is the great central Iron region of Pennsylvania. The Juniata and Bald Eagle iron, so well known and so highly esteemed in our market, are produced in this region. It supplies nearly all of that article consumed by the manufactories of Pittsburg.

That portion of the parallelogram which lies east of the Susquehanna and north branch, and is bounded on the east by the Lehigh, from the Water Gap to its head; and then by the Wyoming or Moosac mountain, including the county of Schuylkill, parts of Northumberland, Luzerne, and Northampton, and small corners of Dauphin, Columbia and Wayne, is the great Anthracite region. It will be our business on some future occasion to describe more minutely the Coal districts of Pennsylvania. Suffice it for the present to say, that the anthracite of the Schuylkill and the Lehigh, of Lykens valley, Mahanoy, Shamokin, Wilkesbarre, Carbondale, and Beaver Meadow, are all contained within the limits just indicated.

East of the Lehigh and Moosac or Wyoming mountain between the same parallel—is an extensive mountainous district, including the head waters of the Delaware and its principal tributaries, from which Philadelphia derives the immense supplies of lumber which annually descend the Delaware. This division embraces a portion of Northampton county, nearly the whole of Pike and Wayne; Delaware and Sullivan counties of New York, and a part of Sussex in New Jersey.

In making this division of the central mountain region of the state, into three great parts—namely, the



iron, the anthracite and the timber region, we have left some intervals between the great natural land-marks which have been pointed out. Those intervals include about two-thirds of Columbia county lying west of the north branch, a part of Northumberland situated in the forks of the Susquehanna, and a portion of Lycoming between the west branch and the Alleghany mountain. It is remarkable that these districts, which are not distinguished for mineral wealth, are the least mountainous and far the most fertile of the range to which they belong. A journey up the west branch from Northumberland through Milton, Pennsbury and Williamsport, to Jersey shore, or from the same place along the north branch through Danville and Bloomsburg to Berwick, presents a succession of delightful farms, equal in productiveness to any in the state.

In describing the course of the great Alleghany mountain, we must be understood to have marked its extreme eastern limit—the line which separates the transition from the secondary formation. It is a common remark of those who cross this mountain, that it has but one side. The ascent from the east is bold and rapid. Arrived upon the summit, you proceed for miles upon comparatively level ground, and the descent is so gradual as scarcely to be perceived. The true base or width of this mountain is probably about 20 or 25 miles. If a line be drawn parallel to that which we have indicated as the range of the Alleghany, pursuing a distance of from 20 to 25 miles; and terminating at the north branch of the Susquehanna, it will include the counties of Somerset and Cambria—the eastern part of Clearfield, the western part of Centre, the northern part of Lycoming, and a portion of Bradford. This belt or strip of country, we would designate as the western slope of the Alleghany mountain, and as generally the locality of bituminous coal. Accurate investigations would probably trace this mineral throughout the whole district. It has already been found at various points in Somerset and Cambria, and is procured in large quantities at Curwensville and Karthaus, in Clearfield, at Phillipsburg, in Centre, and at Dunnstown, in Lycoming. To this range belong the coal veins on the heads of the Lycoming, the Tioga, and the Towanda. In the same range, also running with the coal, will generally be found abundance of iron ore, and springs impregnated with salt. The bituminous coal extends throughout a large part of western Pennsylvania, and into Virginia and Ohio. The veins of bituminous coal always lie parallel to the horizon, and belong therefore to the secondary formation. Hence, as a general rule, it will not be found east of the Alleghany mountain. The only exceptions to this rule which we are aware of, is a locality on the Raystown branch of the Juniata, in Bedford county, and one other on the Tangaskertock, in Lycoming county. The former is admitted to be an anomaly—as to the latter, we have accounted for it on a supposition which we have long entertained, that the course of the Alleghany mountain as generally laid down on the maps is incorrect. The map makers have followed the common nomenclature of the country. It is probable, however, that if the Alleghany mountain were traced by its known geological peculiarities, it would be found to run for some miles parallel to the west branch, and to cross that river many miles below the mouth of Bald Eagle, so as to leave the Tangaskertock formation on its western slope. Here again we feel sensibly the want of accurate surveys with reference to the geological structure of the state. Nay, many important geographical features remain to be ascertained and marked on our maps.

On the road from Philadelphia to Pittsburg, after passing the Alleghany, we cross two other mountains, the Laurel Hill and the Chesnut Ridge—no remarkable for their elevation, but nevertheless constituting well defined geographical features. They are said to extend as distinct chains to a great distance north and south, and Laurel Hill is said to be identical with the Cumber-

land mountain of Kentucky and Tennessee, which in crossing the Tennessee river forms the celebrated Muscle shoals. On the map of Pennsylvania, both these mountains are incorrectly marked as terminating with the Kiskiminetas river. They certainly extend northward into the state of New York. To an extension of these ranges we are disposed to refer the dividing ground, between the streams leading to the west branch and Semimahony, and those leading to the Alleghany river. This supposition would identify Laurel hill with the Elk or Boon's mountain in the northwest angle of Clearfield county—of this dividing ground we shall have occasion to say much hereafter. After passing Laurel hill, and Chesnut ridge, no other mountains, properly so called, occur in western Pennsylvania. The whole country, however, is hilly and undulating—the hills bearing about the same proportion to the mountains further east, as the waves of the Delaware bay do to those of the ocean.

The sketch which we have thus attempted, of the mountain ranges of Pennsylvania is necessarily imperfect. With respect to many details it is probably inaccurate, because we have been compelled to view things upon the largest scale. It may, nevertheless, answer as a general outline, and may aid the inquiries of those who feel enough interest in the state of Pennsylvania to desire a knowledge of its geography.

One or two general remarks upon this subject, with some account of the relative heights of the several ranges, are necessarily reserved for another number of these sketches.

## PUBLIC LIBRARIES.

From the Boston Mercantile Journal.

**Boston Books.**—We mentioned recently that there were at least 76 periodicals in this city. Nor ought it to be forgotten that the citizens have made a provision of about 45,000 volumes of book in public libraries, most of which are selected with great care, besides about 20,000 in the circulating libraries. The two largest collections on the continent—small enough indeed in comparison with those of the old countries—are at the Athenæum in this city (almost 28,000,) and at Cambridge (about 36,000.) Thus we have something like 100,000 volumes, kept constantly accessible at these depositories, independently of the numerous and excellent collections which remain in the hands of individual owners. We believe there is a good library in Philadelphia of 25,000 volumes, and one in Charleston of 16,000. New York and Baltimore are supposed to be rather indifferently supplied, but we should be glad to find ourselves, as to this, in an error.

We ought certainly to feel highly complimented by this notice of our depositories of learning. It reminds us strongly of a statement made not long since by some of the Boston papers, of the value of the real estate in this city, in which they modestly claimed double the amount for Boston that was allowed to Philadelphia. When the value of our property was ascertained, it turned out to be nearly four times greater than had been stated, and about double the amount stated as the value of the property in Boston. We think the number of volumes contained in our public Libraries will turn out somewhat similarly.

The Philadelphia Library alone, (comprising the collections of the Philadelphia and Loganian Libraries) contains more than 42,000 volumes. About ten thousand of this number are rare and valuable works in Foreign Languages. The Loganian portion contains the best collection of Ancient Classical and Medical Works in America.

During the past year the valuable and well known Botanical Library of the late Zacheus Collins, and that of James Cox, principally on the Fine Arts, have been purchased by the Directors of this Institution.



This Library contains several thousand more volumes, and we believe decidedly the best collection of valuable works, of any similar institution in the United States.

In addition to this extensive collection, Philadelphia can boast of the Library belonging to the American Philosophical Society, containing 9,000 volumes, amongst which are to be found the best collection in this country of Memoirs and Transactions of the European learned societies. The Library of the Academy of Natural Sciences, contains the most valuable collection of works on Natural History in the United States. In the Library of the Pennsylvania Academy of the Fine Arts, one single donation from Napoleon Bonaparte, is valued at ten thousand dollars—this Library, though small, is rich in scarce and highly embellished works; among them is a complete copy of Pyranesi, and the Garden of Malmaison. The Library of the Pennsylvania Hospital contains 6,500 volumes, principally relating to Medicine and the Natural Sciences. The Apprentices' Library Company comprises 7,000 volumes, furnishing annually to 1000 boys, works relating to the Arts, Sciences, and Instructive Literature. The Library of the German Society contains 4,000 volumes, many of them scarce and valuable German works. There is a Library attached to the University of Pennsylvania, to the College of Pharmacy, and to the Medical Society of Philadelphia. The collection at the Athenæum, amounts to upwards of 6,500. The Society of Friends have a large and valuable Library. There is an extensive Law Library; a Foreign Classical Library; a Mercantile Library; Philadelphia Museum Company's Library, on Natural History and Travels; St. Augustine's Library; Northern Liberties Library; Southwark Library; besides the increasing and useful Collection belonging to the Franklin Institute.

From this statement it will be perceived that our city stands second to no other on the continent, as to the number, as well as usefulness, of the various works with which her depositories of learning are stored.

In our enumeration we have not included any of the numerous circulating libraries belonging to individuals. —*Commercial Herald.*

#### LIBRARIES IN PHILADELPHIA.

From a notice which appeared in a recent number of the Boston Mercantile Journal, stating that the Public Libraries in that city contained 45,000 volumes, besides about 20,000 in the Circulating Libraries, and that it was believed Philadelphia contained one good Library amounting to 25,000 volumes, we have been induced to ascertain the names of the Public Libraries in this city, and the number of volumes contained in each as nearly as practicable. We present the following as the result of our inquiries:

	Volumes.
1—Philadelphia Library, . . . . .	42,000
2—Library of the American Philosophical Society, . . . . .	9,000
3—Library of the Pennsylvania Hospital, . . . . .	6,500
4—Library of the Academy of Natural Sciences, . . . . .	5,200
5—Library of the University of Pennsylvania, . . . . .	2,000
6—Library belonging the Society of Students, . . . . .	2,000
7—Library of the Friends in Philadelphia, . . . . .	2,700
8—Library of the Alms House, upwards of . . . . .	3,000
9—Library of the Pennsylvania Academy of Fine Arts, . . . . .	150
10—Library of the Law Association, upwards of . . . . .	1,400
11—Library of the Medical Society, . . . . .	600
12—Library of the College of Physicians, . . . . .	500
13—Library of the College of Pharmacy, . . . . .	500
14—Library of St. Augustine Church, upwards of . . . . .	3,000
15—Library of the German Society, . . . . .	4,000
16—Library of the American Sunday School Union, . . . . .	1,800

17—Library of Foreign Classical Literature and Science, . . . . .	2,800
18—Library of the Philadelphia Museum, . . . . .	500
19—Library of the Athenæum, . . . . .	6,500
20—Mercantile Library, . . . . .	4,000
21—Apprentices' Library, . . . . .	7,000
22—Northern Liberties Library and Reading Room, . . . . .	2,100
23—Southwark Library, . . . . .	2,200
24—Kensington Library and Reading Room, . . . . .	250
25—Library of the Carpenters' Society, . . . . .	350
26—Youth Library in the Arcade, . . . . .	1,500
	111,550

Many of the works in these various depots are scarce, and not easily procured at the present time. The Library of the University contains a donation from the unfortunate Louis XVI, made during the Revolutionary War—all of which were printed at the royal printing office, and treat of mathematics, natural history, &c. The Library of the Academy of Fine Arts, contains a donation from Bonaparte. The Libraries of the Hospital and Alms House contain the best works on Medicine, Surgery, and the Sciences, while those of the Academy of Natural Sciences and the Museum, are devoted to natural history and travels. The Library of St. Augustine's Church contains, we believe, the only complete copy of the "Fathers," in this country.—*Id.*

#### PROGRESS OF IMPROVEMENT IN PHILADELPHIA.

Some time since it was determined by the Managers of the Pennsylvania Hospital, to dispose of the square belonging to the Institution, situated between Seventh and Eighth and Spruce and Pine streets. A street has been laid out, running from Seventh to Eighth, and called Barclay street, leaving the lots on Spruce street 250 feet, and those on Pine street 183½ feet deep. All the lots fronting on Pine street, eighteen in number, have been sold at \$3000 each; and on Tuesday last the workmen broke ground, and commenced digging the cellars of some of the houses that are to be erected thereon. They are to recede five feet from the line of the street. Fronting Spruce street there are sixteen lots, each 24 feet 9 inches wide, and the houses are to recede ten feet from the line of the street. Six of these lots have been sold at \$6000 each, and it is expected the residue will speedily be taken at the same price. We trust the owners of these lots will adopt a uniform plan for their buildings, with something like architectural proportions, instead of following the present fashion so prevalent in our city.

One hundred and fifty thousand dollars will be added to the funds of the Hospital by the sale of this square.—*Id.*

RAIN.—During the month of June the quantity of rain that fell, as ascertained by the gauge at the Pennsylvania Hospital, amounted to 5 inches, 28-100; and during the month of July, to 4 15-100 inches.—*Id.*

#### IRON MANUFACTURES.

The following is from the Albany Daily Advertiser:

IRON.—It is not only our own opinion, but we are confirmed in the belief by many with whom we have conversed, that the manufacturing of castings is brought to greater perfection in Albany than in any other place in this country, and we may add, even Europe. The hollow ware of Bartlett, Bent & Co. is preferred to the best "Scotch Hollow Ware"—the stoves of Dr. Nott, receive the preference wherever they are known, and the machinery castings of Many & Ward, and others, are equal to those of any foundry in the world.

The amount of casting consumed in this section of the country, may be judged by the following facts:



Howard, Nott & Co.	melt annually about	1,000 tons.
Bartlett, Bent & Co.	do.	do. 350
I. & J. Townsend,	do.	do. 300
Rathbone & Silliman,	do.	do. 200
Many & Ward,	do.	do. 450
		2,300

About one thousand persons obtain their support from the employment derived from these establishments.

In addition to the amount of irons melted here, Messrs. Heermans, Rathbone & Co. sell annually 750 tons stove plates, (from Philadelphia,) and Gill, Cooper & Co. about 300 tons from the same place.

From the best information we can obtain, there are about 2,300 tons of castings manufactured and sold in this city, and about 1,250 tons imported and sold here—making in all, 3,550 tons.

We are glad to see this notice. It prompts us to look a little about us, and to inquire, as we have done, into the matters written about.

We respond to the above paragraph. We do so with some pride. We revert to Berks county of our noble Pennsylvania, as one among the many constituting this "*Mammoth State*," being able not only to *compete* with, but claim a superiority in the *quantity* of iron manufactured, but in the *quality*. The Hollow Ware of the old Joanna Furnace, has been proverbial for its excellence for many years; and the Scotch patterns in the possession of Jones, Keim & Co., of Windsor Furnace, rank with any, as to character or appearance.

The quantity of Stove-plates supplied for Philadelphia, New York, Boston, Portsmouth, &c., from this source, would surprise any one not conversant with this branch of manufacture; and the annual aggregate of iron made, in the shape of castings, bars and blooms, (and furnished us from data carefully revised and examined,) would present the formidable quantity of *eight thousand eight hundred and sixty-three tons*.

In these different Works, nearly one thousand hands are directly employed, and five thousand others, more or less dependent on them; upwards of 500 horses are used, 77,500 cords of wood burned, 94,132 bushels of wheat, rye and corn, and 542,321 pounds of beef and pork, are required for their consumption.

The Reading Furnace alone has yielded in one blast 1,347 tons of pig metal, for which, such is the demand, that Forge teams are frequently obliged to wait the cooling of the metal, to secure and take it away.

Dr. Nott's beautiful stoves, which yield in comfort and taste to none that have preceded them, are also cast at Windsor Furnace, the bank of which is clustered up with piles of them, presenting in a remarkable degree the delicacy of Saracenic tracery, with which they are ornamented. We concur in pronouncing them a decidedly popular and beautiful casting, and are gratified at such an important auxiliary to the consumption of the Anthracite of Pennsylvania. We are gratified to learn that one of these stoves has already found its way to the summit of the Alps, and that the charitable Monks of the *Hospice du St. Bernard*, in realizing its comfort, had no "boundary to their joy."

Were we beside, to estimate, in the city of Philadelphia alone, the quantity of iron used at the air furnaces, cupolas, &c., it would display an equally imposing appearance compared with that of perhaps any other city; also, in the consumption of foreign and domestic iron for the various purposes of machinery, &c.

These remarks have been thrown together to convince our sister state, that Pennsylvania is second to none in her resources, which are of such a character as to perpetuate her importance, her wealth, and the happiness of her citizens.—*Com. Herald*.

#### THE RAIL ROAD.

We have lately viewed that part of the Allegheny Portage Rail Road, which lies between Croyle's Mills and

the borough of Conemaugh, and were much pleased with the appearance. It would be worth a three days ride to any person to see the excellent manner in which skill, industry and science, aided by money, have overcome the difficulties which presented themselves, and broke through the obstructions which nature had thrown in the way, in a rough and rugged section of country.

A few miles below Croyle's Mills the Conemaugh river bends to the south, and after traversing a sinuous course of more than three miles, is again seen across a narrow hill at the distance of about three hundred feet from its place of departure. At this point the road is cut through the hill and carried over the river on a viaduct supported on a strong and neatly built semicircular stone arch of eighty feet span, rising from the abutments at the height of twenty feet above the river. The whole distance from the water to the arch being sixty feet. The arch is now complete and the centres removed. It presents a grand and bold appearance, and seems capable of resisting any thing short of the concussions of an earthquake. This work does credit to the engineers who planned it, and to the worthy contractors, Snodgrass and Durno, who constructed it.

The viaduct is connected with a hill at the west end of an immense embankment, some parts of which are seventy feet in height.

The vicinity of this viaduct will be ere long the site of extensive water works. The whole stream, which is considerable, can be conveyed through the *Hog back* hill, by a deep cut or a short tunnel, and thus gain a fall of more than forty feet.

A few miles below the viaduct the road passes through a tunnel, nine hundred feet in length, the greater part of which has been excavated out of a solid rock. About one hundred feet at each end of the tunnel, is handsomely arched with cut stone, and the entrances will be ornamented with columns of the same.

Many of the rails are laid upon the section of the road which we visited, and preparations for laying the residue are in rapid progress. This is the case, we are informed, on the whole line of the portage, and the prospect of traversing the whole course, from Hollidaysburg to Conemaugh, during the present season, is now very certain.—*Ebensburg Spy*.

#### LITHOTRITY.

Letter from the Rev. Joseph Caldwell, President of the University of North Carolina, to Charles A. Poulson.

Dear Sir,—In reply to your inquiries respecting my complaint, and the treatment for its removal, I will briefly state, that I had been afflicted with the symptoms of stone in the bladder for about six years. For the last three years these symptoms had occasioned me so much pain and distress, that I determined to visit Philadelphia, in order to seek for medical assistance, and obtain if possible, relief from this terrible malady.

I arrived in the city in the latter end of April, and immediately called upon Dr. Physick, who having ascertained by sounding, that a stone was actually in my bladder, advised me to put myself under the care of his son-in-law, Dr. J. Randolph, giving me the assurance that Dr. Randolph had succeeded in several instances in effecting a perfect cure of this complaint by removing the stone, by means of the operation called "*Lithotrity*," in which case the knife is not at all used. This operation, I am told, is most successfully, and almost universally employed in Paris. I cheerfully acquiesced in this advice of Dr. Physick, a name I must think no less illustrious for benevolence, than for eminence in medical science and practical skill. Dr. Randolph took charge of my case, and having properly prepared me for the operation, he commenced it on the 19th of May, in the presence of Drs. Physick and Horner, Messrs. Kennedy,



Cook, and Henn. The pain which I endured from this operation was not severe, nor did either of the necessary repetitions of it occasion me so much inconvenience as to oblige me to keep my bed for more than a few hours. On the 23d of June, Dr. Randolph performed the last operation, which occupied but a few minutes. A few days from this time I found myself free from the pain which I had previously suffered. The Dr. now examined me very carefully, and declared his conviction that I was entirely rid of the stone, and I had the heartfelt gratification of having this declaration confirmed by Dr. Physick, who after a minute examination on the 4th of July, stated his belief that I was completely cured.

I am yours, very respectfully,

JOS. CALDWELL.

Philadelphia, July 10, 1833.

Bucks County Intelligencer.

### THE RAIL ROAD.

From what has already been said in the public prints, and private circles, we are led to believe the public are prepared to enter upon the incipient steps for such an improvement. We have heretofore taken an abstract view of the subject, believing it better that the people themselves, should lead the way, than that we should advance arguments or views in its favor, which might be thought premature, visionary or chimerical. Enough has come to our knowledge, to satisfy us, that on the route through which it is contemplated to pass, the people have not been idle in comparing opinions, collecting facts touching its practicability, and minutely scanning the probable utility or advantages to be derived from it. To aid, therefore, in getting a right view, we have put ourselves to some trouble, to obtain information, relative to the work, its prospective advantages, its importance as a necessary link in the chain of improvements now making, and the opinions of our citizens, most likely to be affected by it.

At this time there are several routes for rail roads, mentioned in the public prints, designed to bring the trade from the head waters of the Susquehanna and Delaware, to Philadelphia. The increasing demand for coal and lumber, has turned public attention towards the northern counties of our state, and as population there increases, so do the necessities for a better communication to market become more manifest and important. A connexion has long been deemed necessary between the valley of the Susquehanna and Lehigh. This long wished for improvement, is now in a fair way to be accomplished, by a rail road from Wilkesbarre to the mouth of Wright's creek, on the Lehigh river, 25 miles above Mauch Chunk. From a report of an examination of this route, just made, we glean the following facts: The distance between the two points is 14 miles. The elevation of the summit above Wilkesbarre is 1251 feet, and above the Lehigh 604 feet. The estimated cost, per mile, is 6,500 dollars, amounting for the 14 miles to \$92,625, and making a liberal allowance for contingencies would be \$130,000. The interest of this sum would be \$7,800. It is estimated by persons of intelligence, that 200,000 tons of coal, and 3 millions of feet of lumber, at least, will pass along this road, which alone, saying nothing about produce, iron, copper, merchandize and other articles, would yield in tolls, 47,000 dollars. Suitable materials for the construction of the road, are every where found upon the line, and the whole ground is represented to be highly favorable, passing a number of valuable scites for water powers, &c. Books for subscription of stock have been opened, but we are not informed as to the amount subscribed.

The Beaver Meadow Rail Road, which is now being surveyed, will likewise contribute to encrease the amount of descending trade, on the Lehigh Canal to Easton, and it is in contemplation to form an extension of

this improvement to the mouth of the Nescopeck, opposite Berwick.

The Susquehanna and Delaware Rail Road extends from Belvidere on the Delaware, through the Delaware Water Gap, Stroudsburg, up the Pocono Brook, down Roaring Brook to its junction with the Lackawana, at Centreville; and down the Lackawana to Pittstown, on the north branch of the Susquehanna. This projected improvement is said to present many advantages. Passing through a fine coal region, immense forests of excellent timber, and in a country rapidly improving in its agriculture and mechanic arts. The amount of capital required is estimated at \$1,000,000. The Commissioners appointed are Henry W. Drinker, Daniel Stroud, Wm. Henry, John Coolbaugh, A. E. Brown, Stogdel Stokes, David Scott, and James M. Porter. They have given notice of the time for opening the books for the subscription of stock, on the 29th ult. at Belvidere, the 30th at Clinton, the 31st at Newark, and on the 1st, 2d and 3d of August, at the Exchange, in New York.

The Leggets Gap Rail Road, extends from Circleville, where the Delaware and Susquehanna Rail Road enters the Lackawana valley, through Leggets Gap, across the south branch of Tunkhannock to the mouth of Martin's creek, to the head waters of Salt-lick creek, and down Salt-lick creek to the northeast branch of the Susquehanna, below the great bend. The capital required to make this rail road is \$500,000. Books for subscription to be opened at the same time and places as above.

These are improvements designed to benefit in an eminent degree, all the northeastern counties of our state, and those counties of New York bordering thereupon. They pass through the most populous parts of Susquehanna, Luzerne, Lehigh and Northampton counties, opening the most direct and nearest communication with Philadelphia via Easton. The products of the lake countries—the mineral wealth of the mountains of our state, and the vast forests which have scarcely yet been penetrated, will all be thrown open to the markets of our atlantic cities, presenting new objects for their enterprising citizens to engage in, and where capital may be profitably invested and employed.

The citizens of New York and New Jersey seem to have been fully apprised of these important improvements, and the great benefits to be derived, by diverting this trade through the upper part of New Jersey, in a direction to reach the city of New York. A company is being formed for the purpose of making a rail way from Belvidere and Easton to Somerville, being an extension of the Elizabethtown and Somerville Rail Road. The distance from Belvidere to Somerville is said to be 45 miles—the average cost of making it will be about \$12,000 per mile. Commissioners have given notice of the time and places for receiving subscriptions of stock.

In view of these several improvements, which are now about being commenced, we cannot but regard the project for making a rail way, from the Delaware at Lumberville, via Doylestown, to the Germantown Rail Road, as of vast consequence to the people residing at and above Easton, and of no less amount in magnitude, to the interests of Philadelphia, than almost any other improvement which through the vigilance and enterprise of the citizens has been accomplished. These once finished, and the great sources of trade, which have heretofore only reached her market by circuitous routes, will be put within her immediate grasp. The profitable trade of the Susquehanna, will be tapped at four different points—at Berwick, Wilkesbarre, Pittstown, and at the Great Bend. Easton forms the point to which they severally are to be directed. It would seem a necessary consequence, that the trade passing upon those roads should proceed to Philadelphia; but if our natural advantages are not seized upon, the superior skill and management of those interested in the trade of New York, by continuing the same kind of im-



provements, may direct it out of its natural channel to that city. The Delaware Canal in the Summer season, may compete with the Morris Canal; but when a rail way shall be made from Easton to New York, it will be perceived that at the most profitable season of the year, the trade will be carried to New York. To be on a footing therefore, with the New Yorkers, the Philadelphians should have a rail way to Easton, or at least to some point by which a fair competition might be maintained. When the Delaware Canal is most flourishing, we should much question, whether it would be more than half sufficient, to pass the carrying trade of the northern country, and a new channel will be sought out.

We have allowed our pen a little more latitude, than we had designed, when we commenced this article. It seemed to strike us in a more forcible light, as we traced upon the map, the courses of the above enumerated rail roads, and a more than passing notice we thought necessary. We shall now, without further delay, close, by making a few observations about our own rail road, presuming that the reader has come to the conclusion, with us, that the amount of the northern trade, will amply demand some new thoroughfare, and the growing and increasing mercantile prosperity of Philadelphia, requiring all the aids which can be afforded, from additional sources of internal communication.

The distance from Lumberville to Doylestown will be about eight miles, thence to the intersection of the Norristown Rail Road, about 20 miles. Estimating that it would cost as much as the West-Chester Rail Way, about 9,000 dollars per mile, it would require \$252,000 to make it. The interest of this sum, at 6 per cent. would be 15,120 dollars. Now the question presents, would the tolls on this road produce a sum sufficient to pay that interest? We have no hesitation in saying that the passengers now going on this line to and from Philadelphia, with the carrying trade of lumber and coal from the Delaware, and lime from Whitemarsh, if a correct estimate could be made, would amount to that sum. As in all works of this kind, it would have a tendency to increase the amount of travelling and transportation, and in one year from the time the road is opened, would probably be doubled. There are at this time, three daily lines of stages running to Easton, one by the state or river road, one through Doylestown, and one by the old Bethlehem road. The passengers to Wilkesbarre, Mauch Chunk and Bethlehem, would be conveyed upon it as far as Doylestown, and there is no doubt, should a bridge be erected, which is in contemplation, across the Delaware at Lumberville, stages would run from thence to various places in New Jersey. Besides these, there would be the Doylestown passengers, sufficient now to support a tri-weekly stage. The quantity of lumber and coal hauled annually from Lumberville and Point Pleasant, we have not been able to ascertain. The annual sales of lumber by the Messrs. Dilworth, at the former place, are from eight hundred thousand to one million feet. There is a large amount of business done there likewise, by other persons, in coal, &c. and we should judge the sales at Point Pleasant are not much below those at Lumberville. We pretend not to give any estimate of the quantity of lime brought from Whitemarsh to various points upon the road. It is used in the erection of almost all the new buildings in his vicinity, and extensively by farmers as a manure.

The country between the Delaware and Germantown, is highly favorable for the construction of a rail way, and occupying as it would, an intermediate position between the Schuylkill and Delaware Canals, will greatly benefit a large district of country, hitherto deprived of all advantages from works of public improvement.

We understand from a very respectable source that a rail road is in contemplation from Fitzwatertown, to connect with the Germantown road on the east side of Germantown, passing through a gap in Chesnut-Hill, near the Lime-kiln road. This would probably be the

most eligible route for our rail way, and the distance would be somewhat less.

A meeting of the citizens of Doylestown was held a short time since, and a committee appointed to procure a person to make the survey from Lumberville to Doylestown, the necessary funds being provided to meet the expense. That committee have engaged a gentleman, who will shortly make the necessary examination and survey of the ground.

Before this is done, we would respectfully suggest the propriety of calling a public and more general meeting—including the citizens of Philadelphia, Montgomery and Bucks counties, interested in the contemplated road. We should deem it a useless and idle waste of time and money, to attempt the construction of a road simply from Lumberville to this place; but if it is extended on to the Germantown road, we believe it would produce as much revenue as any road that could be made in this part of the state. The people who have become interested in the construction of a road between this and Lumberville expect it to be extended on to Philadelphia, and it is better that this should be the primary and leading object, and that our measures should be in reference to a survey and examination of the entire route.

It is proper in all works of a public nature, that a broad and liberal view should be taken, that no contracted or local interests should be allowed to retard its progress; but that all should join in it with one heart and mind, and that the route selected, should be one most likely to accommodate the public at large, and presenting the best natural advantages for the economical construction of the road.

#### BRISTOL COLLEGIATE INSTITUTION.

A new Institution for the instruction of youth, is about to be established under the above title, on the beautiful farm, called China Retreat, on the Delaware river, three miles below Bristol in this county. The estate belonging to the institution, and upon which the College edifice and other buildings are erected, embraces a tract of near 400 acres of fine land.

The prominent objects of this institution are to prepare young men, by a regular course of study, for the ministry, or for any of the liberal professions. Manual labor as affording exercise indispensable to the health of the students, will be specifically required, and they will be employed three hours in each day in the week, upon some manual labor in shops or upon the farm. The avails or profits of their labor for five days in the week, as estimated by the actuary, will be allowed to each. It is thought that they will be able to derive sufficient gains from this, to furnish themselves with private libraries, text books, clothes, &c. and in many instances defray all their necessary expenses. Students upon entering the institution, will be required to make a distinct pledge, that they will cheerfully engage in manual labor the prescribed time each day, and that they will abstain from the use of ardent spirits, during their connexion therewith.

The Collegiate year will begin on the first Wednesday in October next, and end the fourth August.

There will be four classes, of about 30 each, and the course of studies will be comprised in four years.

There will likewise be an academical department for boys over 15 years of age, who are preparing for a course, when they will enter the Freshman Class in the College. For boys from 12 to 15 years of age there will be a select preparatory school subject to the same regulation as the collegiate students.

By several liberal donations to the Institution, and the exertions of the Education Committee, belonging to the Episcopal Church, a large number of indigent young men will be educated upon application, and presenting suitable testimonials of morality, &c.

It will be under the direction of the Rev. Chauncey



Colton, of Washington city, distinguished as the late head, of one of the most popular institutions in this country. Suitable professors will be engaged in all the different departments, and it is designed to make this institution rank with any of its contemporaries in this country. The best classical and literary education will be given, together with all the most useful branches of science and learning.

We cannot but greet this institution with our best wishes, and feel persuaded it will be truly beneficial to the country at large, and we deem its location in our county, of important and immediate consequence to our citizens. Whatever is calculated to promote the intellectual advantages of any portion of the rising generation, we doubt not, will be properly estimated and encouraged, and its influence and usefulness should be promoted to the fullest extent.

There are some peculiarities about this institution, which renders it rather dissimilar to any other College. The terms are put so low, that its advantages may be embraced, by the sons of persons in very moderate circumstances; and young men, who design to pursue the profession of *school teaching*, will have granted to them several important privileges. Besides the free scholars, young men of studious and industrious habits, will be able in the hours allotted to labor, to pay, almost entirely for their education. The union of bodily labor, with the mental exercises of pupils, will tend greatly to strengthen and invigorate the constitution, and as the mind is improved and cultivated, the physical powers of the body will be strengthened, and rendered capable of sustaining the health and independence of subsequent life.

Although the regulations of the Institution, will be strictly in conformity with the ceremonies of the Episcopal church, it will not partake of a sectarian character, in the admission of students. All that is required of a candidate for admission, is that he possesses strictly moral and temperate habits, without reference to the religious tenets, or the profession he may choose in after life. Conducted as we believe it will be, in the ablest manner, and upon principles liberal and catholic, with exercises calculated to promote the health and invigorate the constitutions of students, we sincerely hope it may be eminently successful.

The Rev. G. W. Tidgely, recently pastor of the Episcopal Church at Bristol, is the Corresponding Secretary and general agent for the Collegiate Institution. To his kindness we are indebted, for a copy of a pamphlet, containing the terms, course of studies, &c. which may be seen at this office.—*Ib.*

#### ORATION,

Delivered in the Second Presbyterian church, before the Philadelphia Association for celebrating the Fourth of July, without distinction of party—by JOHN MONRO SCOTT, Esq. July 4, 1833

##### Gentlemen of the Association:

We are assembled to render our annual homage to freedom. More than half a century has elapsed—entire generations of men have passed away—since the day rose upon our country which gave to it a place among the nations of the earth, and proclaimed it the home of the free and the brave. Every individual who then signed that instrument, which, as the chances of war might determine, was to prove his death-warrant, or the imperishable record of his fame, sleeps in the silence of the grave. Their children have followed them, or if they survive, show already the silvered locks and furrowed cheek of age; and we who are met to discourse of our great forefathers, look back upon them, through a series of years, which consecrates their memories, and unites their fame, with that of the mighty dead of all ages and of all nations.

It belongs to the institutions of man, as well as to man himself, to change; to perish. By imperceptible degrees, the freshness of original creation fades; distinct-

ness of primitive form is lost; bold relief subsides into the general mass; till at length new forms arise—new combinations are generated, and while the ancient materials remain, the shapes they originally bore, are to be sought for only in the records of history. This fate has not yet befallen our great national festival—the annual celebration of our natal day. Its approach is still hailed with universal joy: the event which it commemorates is as green in our memories as the sod of our beautiful valleys: the aged and the young still unite in paeans to Liberty: and were it possible for us now to look down from some elevated spot in the blue vault of heaven, and with supernatural vision embrace in one glance the expanse of our country, we should behold millions of freemen uniting in the spontaneous effusions of joy, of praise, and of gratitude. It could not be otherwise: the event which stamps the day, though its authors are silent in the tomb, is still a living and a speaking event—speaking to the oppressed of all nations, a language which is teaching them to break their chains—to undermine the huge fabrics of oppression reared in the darkness of human intellect, and cemented by the pressure of ages: which is instructing the natives of France, of Germany, of England and of Ireland, in the true story of their rights: which is carrying conviction to the hearts of hereditary monarchs that power has passed from their sceptres—and to the bosoms of the people, that the world was formed for them and not “for Cæsar.” An event glorious in itself—in its consequences without a parallel.

Still, in the mode and fashion of the celebration, time has begun to work a change. At first, and for many years, *that* in which our ancestors rejoiced, was simply, and by itself, the independence which they had achieved—the splendid triumph gained by the persevering fortitude of an infant people, over the gigantic strength of an enemy renowned in arms, and rich in all the sinews of war. It was enough that they were independent. That the colonies were converted into a nation—self-poised and self-governed. This sentiment filled all hearts—animated every breast—was the key note of every harangue. The battles which led to it, the victories which won it, were rehearsed to ears that never wearied of the theme. The struggle was over—the victory was theirs—but that struggle might recur; that haughty nation might again call her stripling antagonist to the field—might seek to crush the rising energies of her rebellious offspring—and, therefore, with prophetic caution, the story of the Revolution was told from year to year—its battles fought again and again: and Princeton and Trenton, Germantown and Monmouth, Saratoga and Yorktown, were the themes of their orations. And in thirty years the second struggle *did* come; while yet some of the fathers of the nation remained upon the surface of its soil: and it was met—fearlessly and manfully—and the tide of invasion was turned back from our shores, crimsoned with the blood of the invaders—and the *trident* they had so long wielded in undisputed supremacy, was seized with a grasp, and held with a pertinacity ominous of its future fate.

That war was ended too, and like the war of the revolution, ended gloriously. It taught the nations of Europe, whose rapacious conduct had shown their disbelief of our stability, that we were able to maintain by our arms, our rank as a nation. It gave to us respect and admiration abroad, not as an infant people which might become great, but as an established nation, which had already appropriated all the elements of power. That second war and its incidents then became the living topic of interest; its heroes, and its victories succeeded in their turn, to the heroes and the victories of the war of the revolution, which then, as belonging to another age, assumed their high and permanent stations in the ever-during temple of historic fame.

That second war of our country independent, is in its turn becoming history. Many who won its victories have gone to join their predecessors of seventy-six, and



others are falling into the "sere and yellow leaf." Eighteen years of peace have glided by on the noiseless and polished wheels of time—have calmed the tumultuous feelings of war, and given us leisure to look inward upon ourselves. We no longer need to be reminded of former trophies as preparatory excitements to future achievements, our country stands in its relations to foreign nations "proudly eminent,"—in the calm dignity of conscious strength—desiring peace, ready for war: receiving atonement for former aggressions; protected from new, by the disseminated knowledge of her power.

The character of our national celebration partakes of this attitude of our national concerns. It presents less of military display—more of political and philosophical discussion. The public addresses, in themselves emanations from our political institutions, indicate and reflect the popular feeling. Like a series of ancient medals, exhibiting brief allusions to leading events—a series of our national orations would instruct the historian in the progressive state of our national sentiment, and the varying fortunes of the republic: redolent of war when foreign relations are uncertain: proclaiming the blessing of peace when the political atmosphere is serene—discussing state rights when the confederacy clashes with some favorite theory—lauding the Union when ambition threatens to dissolve its ties. Even from the assembling of this Association; from the simple fact of an address delivered to young Americans without distinction of party; may be deduced the conclusion of a new era in this our noble state. Would that the example might extend throughout the Union: that the young men of our nation, with all the pure feelings and uncorrupted sentiments of early life, with hearts unembittered by party contests, with tongues undefiled by party slanders, with minds unimpaired by party prejudices, would every where band themselves into proud fraternities, sworn to elevate the American name, to emblazon the glories of the American nation: our country their only watchword—right or wrong—still our country, our country.

To you, my young friends, it belongs—to you, who, in a few years, must rule the destinies of this people, belongs the glorious privilege of infusing this new spirit into the bosom of America—of framing a new declaration of independence; independence of the shackles of party, of the slavery of names. That the madness of party is inseparable from republican government is the doctrine of despots, the very essence of their argument—and if it were true, should be denied by republicans as they would deny a blot in their own domestic circle. Let it be our pride to disabuse the human intellect of this deceitful proposition—to display a republican people united in feeling and sentiment as well as in arms.

In truth, I ask of you to do little more than tread the path which the progress of events has already made obvious. Party spirit, such as it once existed in these United States, is no longer known. Personal predilections and partialities we have; a warm canvass for opposing candidates will excite our interest, and rouse us to adverse exertions—but with the contest the excitement ends, and the billows raised in momentary tumult subside to the gentle undulations of a calm.

It has required the amalgamating influence of fifty years, thus to attune the public mind to harmony. The foundation of party feeling was laid in the early history of our republic—and bitterness was borrowed from the recollections of civil war. Men became separated before the war of independence by contrariety of sentiment in relation to the aggressions of Great Britain: they fought and bled under opposing banners—received and inflicted mutual injuries: and although the triumph of liberty swept away this ground of controversy, and drove from the soil those who had opposed its regeneration, it left nevertheless, among the early fathers of the republic, a hostile and uncompromising spirit—prone to denounce difference of political views, and to exalt beyond due

measure, correspondence of political sentiment. Then came the framing and modelling of the great republic—the putting together disjointed parts—the attempt to form one great whole: And state jealousies, uncertain boundaries, and unequal portions of debt contracted by the individual colonies in the general struggle, formed copious sources of hostile discussion under the first confederacy, and kept the edges of controversy sharp and keen. That confederacy soon, very soon, exhibited symptoms of inefficiency to which the patriot could not be blind: and then arose the question of a new organization; the shape which it should assume; the quantum of power which should be given to the general government; and taken from the individual states: the character and authority of the chief magistrate—the tenure of his office—the power of the national judiciary—the basis of representation in the national chambers—all of these subjects of deep and lasting interest, upon which the views of the leading men of that day differed widely, as early education or sectional partialities might direct. Under these exciting discussions, lines of demarcation began to be shadowed forth, and similarity of opinions to form the boundaries of political association. The constitution was at last adopted; that under which we have seen almost half a century of unexampled prosperity. But under that constitution were to be settled the questions of army, and of navy—of our relations with foreign powers—of neutrality; while Europe was agitated by the whirlwind of revolution—or of obedience to sympathy with ancient allies, and the resumption of arms with them. Commerce too, its intricacies and its liabilities to aggression, lent its aid to extend the field of embarrassment; and universal excitement, fervid passion, ardent controversy, seized the public mind. Great leaders arose—choice spirits—to guide the intellectual warfare. Around them the people rallied, as passion, interest, or conviction, might determine their choice. The controversy raged—even the fair sex lent their aid to the general uproar, and with their delicate fingers framed the emblems of contending party—men and boys wore them; and many a sturdy battle was fought by the little urchins in defence of their respective colors. Private friendships were broken—family ties disregarded—and society was split into great adverse factions, each confined within his own pale, and regarding all beyond, as strangers or as enemies. Gradually, however, this storm subsided; our own domestic policy became settled; and our relations with foreign nations assumed that character of equal justice to all, of entangling alliances with none, from which the republic has never since departed. Our country prospered beyond all example—commerce flourished—cities sprang up—the wilderness was subdued—new states were organized as if by magic—population trebled—the public debt was reduced—our flag was seen in every bay, and harbour, and inlet, and ocean—the powers of Barbary were humbled—the infant began to assume gigantic dimensions—foreign jealousies were excited—and at last, as if to effect one general and grand reunion of American freemen, came that second war: And then, upon the altar of our common country was offered up all that remained of passion, prejudice, and party feeling. The sacrifice was accepted—and the next oblation was made by an united people rendering thanks for their second great triumph. From that period we have had our contests—but they have been for men, rather than for measures: conducted with all the pomp and circumstance, but with little of the real acrimony of party. Its bitterness is no longer infused into the cup of private and social life; friendships remain unbroken—family ties undissolved. Upon the great topics which formerly threw us into a foam of agitation, we have united in sentiment, and the modern duty and aim has been, to see that principles which all approve shall be faithfully administered and carried into effect.

Let it not be supposed that I mean to inculcate upon



the young men of our native land, indifference to the political aspect of their country, or inattention to the conduct of their public men. On the contrary; there never was a moment in our political history which demanded greater watchfulness—more entire devotion to the public weal. It is in vain to deny that we were lately upon the eve of a great convulsion—tottering on the brink of a precipice—over which the leap, or the fall, would have inflicted fearful, if not fatal, injury. Already were the powers of Europe gloating upon the prospect of our disunion—of the breaking up, and scattering abroad upon the winds of discord, of all that proud fabric of freedom, which had been to them a standing monument of reproach, “with fear of change perplexing monarchs.” Sarcasms, sneers and jibes at the government of the people by the people—prophecies of dissolution—kind intimations that the maternal arms of the mother country would be open to her repentant offspring—that the fatted calf would be killed to welcome the wanderer back, infused joy into the bosoms of transatlantic politicians—and brought burning blushes into the cheek of every native of the soil. Oh! my country!—yet “darkened so you shone above them all!”

Aye, young men—young men of this great and central State—you were threatened with disunion! In the south and in the north, the value of union became a *subject of calculation*—or arithmetical estimate—of trial in the scales of expediency. Father of nations—can it be? Does there exist an American, who would raise a parricidal arm against his country's glory—who would give up one jot or tittle of his share in the splendid heritage of republican fame? Let us not believe it. Temporary hallucination may have misled—but the weed grew but upon the surface—to the heart its roots cannot have penetrated—and with the abatement of the sudden heat which gave it unnatural growth, will wither, die, disappear.

Yet, it will not do to rest our fate upon the anticipations of sanguine hope. The startling phantom, the hideous spectre of disunion, has been offered to our gaze—has already “seared our eyeballs:” we must examine it closely—become familiar with its hideous and disgusting features—and from the very accumulation of abhorrence, “put on manly resolution” to banish the unreal mockery from the land.

Disunion of this our beloved country! Let us, calmly if we can, look at the picture and calculate—aye, that is the word—calculate its results—and where shall we begin the withering catalogue of ills?—what gloomy Cassandra shall we invoke to denounce the gathering wo?

Our name—yes, our name! let us begin there—an American citizen—a citizen of the United States. Who is not proud of *that title*? In what land of civilized man is it not a passport to regard? Where do we not with pride announce our country—and claim our birth right? And for what title shall we exchange it? From what diminished portion of our mighty empire shall we hereafter hail? A Pennsylvanian—a New Yorker—a Carolinian—a Virginian? Shall these be our titles? How small, how insignificant, in contrast with the simple and dignified answer: I am a citizen of the United States.

Under what flag shall we sail? To what waving emblem of our country's glory shall we look, and claim the safeguard of its ample folds? What shall become of the stars and stripes—the banner of freedom! Allow me to quote the words of the accomplished and gentlemanly Poinsett, than whom his country does not possess a nobler or a better man.

“Wherever I have been, (says this true patriot,) I have felt proud of being a citizen of this great republic, and in the remotest corners of the earth have walked erect and secure under the banner which our opponents would tear down and trample under foot. I was in Mexico when that town was taken by assault—the house

of the American Ambassador was then, as it ought ever to be, the refuge of the distressed and persecuted. It was pointed out to the infuriated soldiery as a place filled with their enemies. They rushed to the attack—my only defence was the flag of my country, and it was flung out at the instant that hundreds of muskets were levelled at us. We placed ourselves beneath its waving folds, and the attack was suspended. We did not blench, for we felt strong in the protecting arm of this mighty republic. We told them that the flag that waved over us, was the banner of that nation, to whose example they owed their liberties, and to whose protection they were indebted for their safety. The scene changed as by enchantment—and these men who were on the point of attacking my house and massacring the inhabitants, cheered the flag of our country, and placed sentinels to protect it from outrage. Fellow citizens, in such a moment as that, would it have been any protection for me or mine, to have proclaimed myself a Carolinian? Should I be here to tell you this tale, if I had hung out the palmetto and the single star? Be assured that to be respected abroad we must maintain our place in the union.”

Of this honored name—of this proud flag, disunion will deprive us; they will be lost to us forever—not to us alone, but to the world. The name may remain, claimed by some fragment of this once great people; the flag may be retained by the same inglorious fraction; but their meaning and their spirit will be gone—the name will no longer indicate that you are members of that splendid republic which broke through the trammels of despotism—the flag will no longer assert participation in the glories of unnumbered victories—the name and the flag united, will cease to prove your claim to kindred with Washington: of that heritage you will be despoiled. Better, far better, if we must part, that the name be abandoned for ever, and the flag be furled for ever—precious, yet sacred relics, over whose immaculate purity history may bend with reverence, and weep for their early departure—than that they be retained, shorn of their honour, robbed of their brightness. Let them go out like those fixed stars, which having shone for ages upon the world, suddenly disappear from the magnificent canopy of heaven, and are seen no more amidst its awful hosts.

What more! How long will freedom stand the shock? how long will republican government survive? It is a momentous and a doubtful question, which in its full extent time alone can solve—but upon which it will become us to pause and deliberate. Let us waive the influence upon foreign nations—*there*, the blow would be fatal, and the transatlantic despot would bless the western republican for the gift of chains and manacles more infrangible than the work-shop of his own legitimate brain could devise—what among ourselves, to our own children, would be the result? Even here, I say, the question is full of uncertainty. “Clouds and darkness hang upon it.” It is true, that the people of the eastern and middle States are thoroughly and practically versed in the doctrines of equality of rights—that they understand and are attached to these political institutions which are founded upon, and, in their turn, uphold these doctrines—that under ordinary circumstances, the universal existence of these opinions, and the absence of all laws of primogeniture, would guard them efficiently against the sudden usurpation of an individual, or the insidious approaches of an aristocracy. In the southern States a different temper may possibly prevail—a population, on their eastern board, comparatively sparse—property in the shape of landed estate, cultivated by slaves, and giving to the possessor a species of seignioral dignity—a less extended elective franchise—comparative seclusion from the world, and from the assimilating process of constant intercourse with men, have given in those States a tone to society less favourable to republican doctrines, as we understand them here—more allied to the sentiments belong-



ing to the aristocratic form. Should a separate confederacy be formed there, it would not create surprise, to behold in a few years power centering in the hands of a few ambitious and leading men—preserved in the same families by the influence of wealth and talent, and finally perpetuated in hereditary form. In the eastern and middle States, and in the western States, at least in those in which slavery is not tolerated, such a change is not perhaps to be feared. Predominating wealth is among them only to be found in the commercial capitals—where the possessor is, as to personal influence, lost amid the crowd of free and aspiring men who elbow him on every side, and meet and thwart him at every turn. It gives no political influence. That depends upon popular talent—and popular talent is always to be found in the grasp of men coming from among the people in numbers sufficient to prevent the overweening rise of any individual beyond a just and proper point.

Cities and boroughs have ever been the strong holds of freedom; congregated in masses, conscious of strength, watchful, jealous, well informed, their inhabitants are by force of position sturdy republicans: and in this section of our country, cities and boroughs are thickly planted, and daily increasing in numbers and in growth.

But there are dangers common to us all. Let the fatal example of disunion be set: and where—where, would it end? Into how many, or into how few confederacies our country would be split, what human eye can foresee? Should we have a Southern and an Eastern confederacy—or a Southern, a Middle, an Eastern and a Western confederacy—and form them as you will, how long would it be before supposed discrepancies of interest, or the ambition of men grasping at high offices too few to satisfy their desires, would again and again subdivide, and tear to pieces the miserable remnants, until wide spread havoc, confusion, and ruin, should extend the pall of desolation over its whole face? Then might war in its bitterest and most aggravated form glut its sanguinary appetite in the blood of Americans, by Americans shed. Commercial rivalry, the interference of foreign nations, the desire of supremacy—nay, the lust of conquest would, some or other of them, soon, very soon, cast abroad the brand of inextinguishable hate: there are no quarrels so bitter as those of a family—no wars so ferocious as those of a divided people. Ancient Greece, modern Italy, present South America, all present beacons shedding broad lights upon that which might become our miserable fate. To doubt that such might be the result of disunion, would be wilfully to shut our eyes to all the admonitions of history, nay it would be to doubt the awful warnings of our own feelings, to deny belief to the rapid current of our own bloods. Let us but recollect the mingled sentiments of indignation and fiery passion which have swollen our own veins within a twelve month, and recall the taunts, the bitter defiance thrown back upon us from our *brothers* of the South, and we may faintly figure forth the ferocity which would mark an actual contest. Alas, alas, that this should be so! Yet why should we refuse to hear the truth?—rather let us listen to its warning voice, and strive to avert such most unnatural scenes from our beloved country.

We boast now, and justly too, of our domestic security—our undisturbed fireside enjoyments; our sons and daughters grow up around us in peace and safety—the fruits of industry are our own; separate the Union, and before another half a century shall elapse, perhaps before a tithe of that time, and we shall be a nation of fortified camps, and of armed men. Splendid deeds of arms will be done—the exploits of the warrior will fill the song of the poet: the navies of the north; the yeoman infantry of the middle States; the careering cavalry of the broad plains of the west; the chivalry of the south, will win their victories, and gain immortal honor. But alas for the people; them will the tax-gatherer oppress—the conscription carry away their sons—the

splendour of arms dazzle and delude their daughters—perchance even among ourselves the successful soldier be looked to as the proper and permanent head of the state, and our liberties expire in a blaze of martial glory. The future historian in narrating the fortunes of this land will tell over the stories of Venice and Genoa—of Milan and Florence and Pisa. He may have to speak of cities sacked—of people carried into captivity—of modern Dorias and Dandolos crimsoning the waters of our fine bays and inland seas with mutual slaughter—of the whoop of the savage intermingled with Christian arms, and avenging the wrongs of their ancestors, upon the descendants of their oppressors—perhaps of a *sable* banner rising victorious over the flag of the white man! All these things may be—and should they, or a tithe part of them, come to pass—and could we imagine the spirits of the departed, to look down with interest upon the scenes of this world, well might we fancy that of the third George, gazing with stern composure upon our discord, and viewing it as just retribution—while thine, thou other George, our own revered Washington, even in the mansions of the blessed, would lose its sense of happiness, while gazing on the ruin inflicted by the madness of ambition, upon that fair and perfect edifice, erected by thy hands, and intended by thee for the eternal dwelling place of freedom!

And if the curse of disunion must fall upon us, are these ills inevitable? Must the madness, and unholy violence of one portion of the confederacy involve the rest in misery? Is there no escape from such accumulation of woe? Far be it from us to despair of the republic; that the evils depicted are those which, guided by past experience, we have reason to dread, is all that is asserted. To admit them inevitable would be to invite their approach. And it may well happen that providence by a just retribution may cause the sword to fall upon the imprudent men who have been so ready to draw it from the scabbard; and that guided by patriotism—impelled by the native energies of her hardy sons—driven forward by the expanding force of universal freedom—the untainted portion of our country may reach that pinnacle of greatness, towards which their ascent has hitherto been uninterrupted. Let us turn then from the gloomy picture, and hail this more cheerful prospect. Suppose that our discontented sister State should proceed in her unhallowed views, and draw into the vortex of her ambitious projects, other States supposed to have with her a community of interest and of feeling. The republic would remain, shorn of its beams, it is true, but still great and powerful. And if the poison of the example did not spread might rise more resplendent from the dim eclipse. There would remain a people in numbers at this moment upwards of nine millions—possessed of an immense extent of territory—of a hardy, laborious, intelligent population, devoted to agriculture, to commerce, and to manufactures; unfettered by a hostile race existing among themselves; accustomed to command the ocean; full of enterprise; and having abundant capital to give it impulse; with all the necessities of life producible within their own borders—and with no counterpoise in the scale, but the moral influence of the pestiferous example of disunion. Why should not such a people continue its onward flight to greatness? Why should the removal of a weight from their wings lessen the height to which they might soar? Is it not probable, that relieved from the pressure of conflicting interests, with the spring of their exertions untrammelled, their own views of policy unconfined, their speed in the race of prosperity would be redoubled—and that, in time, the force of contrast and the lessons of experience, might lure back to their arms, an erring and repentant sister? What is to prevent such a consummation, if we are true to ourselves? From foreign hostility we have nothing to fear. As to that, our country is almost intangible. Contests with our former brethren might be rife and bitter—but they would be border wars, dis-



gressing to the immediate locality, elsewhere unimpressive, having perhaps no other effect than that of preventing the extinction of martial spirit. Indeed, it seems inevitable, unless man shall most perseveringly strive to mar the designs of his Creator, that this continent shall be the seat of great and powerful nations. The knowledge of its existence seems to have been withheld from civilized man, until the period was approaching when convulsed and overpeopled Europe should require a new world to receive her surplus population, and a new soil in which to plant her arts and sciences, her literature and philosophy—where they might flourish and expand under the influence of a virgin mould. Here then, man, renovated man, must increase till millions upon millions shall fill the space between the Atlantic and the Rocky mountains—and thence pour down fresh myriads till they reach and subdue the eastern shores of the great Pacific. But whether these unnumbered hosts are to exist under the blessings of free institutions, or to gasp under the pressure of despotism, is the problem which man himself must solve. If our Union lasts there is no dream of the philanthropist too brilliant to be realized. If that union be frittered away by the most unholy ambition of her own parricidal sons, and the minerals of our mountains be converted into instruments of mutual destruction and fraternal discord, we shall but repeat among ourselves the melancholy and desolating story of all the past nations of the earth.

The uncertainties which now hang over the general prosperity make it the duty and the interest of every individual State to be doubly watchful of her own course—doubly attentive to her own prosperity. Such is the machinery of our institutions, that each State is capable of exercising an influence which will be felt to the extremities of our country. Arranged and organized as a nation, with all the attributes of a distinct power, they are at all moments ready to spring forward upon the path of national weal—or if misdirected, of national woe. The facility with which our warm-blooded sister of the south assumed the attitude of prepared resistance, is a startling evidence of the power of each individual member of the general family; and when we recollect that a few stirring, perhaps disappointed spirits, fanned *that* flame, which might almost have consumed a continent, it leads us to the further conclusion that the course of every individual citizen should be watched and guarded—that the first aspirations of ambition should be checked—and love of country be inculcated and insisted upon as the first great recommendation to that country's favour.

Certainly not the least powerful of the confederacy is our own Pennsylvania. She has been called the key stone of the arch of the Union—a flattering designation undoubtedly—and which we have accepted with sufficient complacency—though it may be somewhat difficult to point out precisely where the analogy lies—or why Pennsylvania is peculiarly entitled to the epithet. This state undoubtedly ought to possess great influence in the councils of the Nation, and with her sister States. She is happily situated for a mediatrix between the south and the north; and is in close affinity and connexion with the growing west. Her population is already in number nearly a million and a half—second only to that of New York—half as great as that of the whole Union when we became independent; her soil excellent—her water courses magnificent—her mineral productions far exceeding those yet developed in any other part of the Union—her public improvements, roads, canals, and bridges, worthy of all praise—her system of laws enlightened—her wealth abundant—her chief city, of great extent, surpassing beauty, and correspondent celebrity at home and abroad; she is entitled to great weight in the nation—and whether a single or a divided people, her power *ought* to be known, felt, and acknowledged. Perhaps she has been too modest—a

more becoming to her fair daughters than to her-

self. It becomes us as Pennsylvanians to bend our efforts to her advancement—to extend and enlarge her prosperity—to elevate her character—and to demand for her the rank and consideration to which she is justly entitled. And while she is cultivating and bringing into active operation all her resources, let not Pennsylvania forget or neglect her *men*, her able and intelligent men. It is through them her sister States must be made to feel and acknowledge her weight, her real importance. Their voices should be heard—their counsels should be listened to. Their services should be continued, from year to year, and from term to term, that to the weight derived from talent they might add the confidence of experience. All the high places of Pennsylvania should be filled with her most distinguished sons, no matter what their party—no matter what the name which others may have chosen to attribute or they themselves have been willing to adopt.

In this particular we may well be tutored by the south. Those men who for thirty years have upheld her pretensions in the public councils of the country and in their own domestic arenas have all grown up and grown old in the same service. They are trained in early life, while the blood still courses madly through their veins under the guidance of some veteran leader, who calms their onset without extinguishing their ardour. They gain experience by perseverance in the course: they become in their turn leaders, following up the pursuits, adopting the doctrines, carrying out the policy of their predecessors—at home they are rewarded by the public praise and approbation—and thus supported, they are elsewhere respected. The intercourse between them and the people is alike honorable to both,—frank, open, and confiding; and this confidence, thus given, is not hastily withdrawn, or suffered to be the sport of every idle whim of party. The result has been such as we have witnessed. The destinies of the Republic have been heretofore almost exclusively held in the hands of the south. They are in truth a generous and a gallant people, and it is to their honour that they have grasped and held the ensign of republican power. Yes, my fellow citizens, they are a generous and a gallant people—without fear their men—their women without reproach. May the Almighty, in his temple I say it with reverence may the Almighty, of his infinite mercy, avert from us the grief of beholding them separated from the great American family! Let Pennsylvania imitate them in the particular to which I have been alluding; let her, disdaining the trammels of party, draw forth her ablest and her best; assume her station upon a pinnacle suited to her real greatness; and Pennsylvania may do much to avoid the threatened storm. From firmness, temperance, mutual concession, from recurrence to revolutionary lore, from recollection of past sufferings jointly borne, and past blessings jointly bestowed, the spirit of peace and harmony and brotherly love may be revived from its temporary sleep—and our star-spangled banner once more float in wild careering youthful joy over a happy and united people.

Young men without distinction of party!—beloved sons of our beloved country—she cries to you for union, union, union; listen to her with the willing ear of young affection, and respond to her call with the ready hearts and hands of vigorous manhood.

Let union be henceforward the banner of your party, the goal of your ambition, the reward of your exertions.

#### SALT SPRING.

A valuable Salt spring has been discovered by boring, near Pittsburgh, on the opposite side of the Monongahela river. The depth reached by this process was 627 feet, and the stream of salt water rises to a height of *thirty feet* above the level of the earth, and at the rate of *seven thousand* gallons in 24 hours, of strength sufficient to make 12 or 15 barrels of salt. The following is the account given in the Pittsburgh Ga-



zette, of the progress of boring through the various strata of coal, clay, slate, sandstone, &c.

"In boring, they struck the first rock, a kind of slate, at the depth of 33 feet, which continued for 83 feet, variegated in color, some red, like red chalk; some perfectly white; all pretty much alike in substance. They then came upon sandstone, of a grayish red color, which continued, with occasional interruptions for 90 feet. They next came upon another vein of slate, very like the first, and variegated in the same way, and immediately below this they found a stratum of limestone seven feet thick, the only limestone discovered. From this down to about 590 feet they passed, generally, through a kind of rotten, dark gray sandstone, with occasional shells of harder sandstone, with portions of iron. The next thirty feet was very hard boring, the first 10 of these was through a gray sandstone, almost as hard as granite, the other 23 through a perfectly white and very hard sandstone. Struck salt water at 625 feet, but not enough; went two feet deeper, where they got the vein now relied upon. When the chisel struck this last vein, it fell about 2½ inches, thus indicating the depth of water.

In their progress they passed through the following strata of coal—

At 133 feet struck a vein 10 inches thick.	
280 do.	3½ feet thick.
440 do.	3½ do.
480 do.	3½ do.
580 do.	3½ do.
602 do.	4 inches.

Found gas at every vein of coal, except the first, which continued to discharge three or four weeks from each vein. Mr. Murray thinks that the gas now discharged would light an establishment larger than the Exchange Hotel in the city of Pittsburg.

#### DELAWARE CANAL.

This division of the Pennsylvania canal is in excellent order, and the following statement will show the number of boats cleared at Bristol, and the amount of tolls received for the last eight days in July.

Wednesday, July 24	25 boats,	\$114 87
Thursday, 25	15	40 04
Friday, 26	23	181 57
Saturday, 27	25	69 58
Sunday, 28	18	80 05
Monday, 29	11	26 24
Tuesday, 30	15	90 67
Wednesday, 31	27	70 18
		673 20

Boats passed out of the canal during the same time.

From Easton,	94 boats, toll,	1694 53
New Hope	6	23 92
		\$2391 45

Amount of tolls received on the Delaware canal since the opening of the navigation, to July 31, 1833, and number of boats cleared.

At Bristol, 987 boats, toll	\$4124 03
At Easton about 812, toll about	11,658 14
At New Hope, 255,	700 00
	\$16,482 17

#### POTTSVILLE, June 15.

WHIRLWIND.—On Tuesday night last, a violent gust, which may be called a whirlwind, from its effects, passed over the Mount Carbon landing, partially unroofing a large stone store house, formerly occupied by Messrs. Moore & Graham, carrying a large stone across the Schuylkill, and a horse to a considerable distance from the spot where he was fastened. The Tornado extend-

ed up Tumbling run, on which creek a house and barn were unroofed, and a mill dam rased to its foundation. It is stated that part of the roof of the store house above mentioned, was carried to a distance of three miles from Mount Carbon. The above particulars, which have been communicated to us, we believe to be substantially correct — *Miners' Journal*.

A STORM.—On Sunday the 14th of July, a storm passed over many parts of our state that did considerable damage. In Columbia county, the rain raised the creeks and runs until they overflowed their banks, and did much injury to the meadow grass. A post was struck by lightning and split at the corner of two of the most public streets in Danville. The barn of Mr. John Kelchner, of Briar creek township, was struck and entirely consumed.

In Berks county, Maj. Bitting, who resides near Reading, was prostrated by the shock of lightning which killed a cow within 20 yards of where he stood, but was not seriously injured. In Maiden creek township, the barn of a Mr. Morris was struck and consumed with its contents. And in Douglas township, the barn of a Mr. Henry Baum shared the same fate.

In Montgomery county, the barn of Mr. Bradfield of Springfield township was struck and consumed together with its contents, estimated in value at \$1000.

In Lancaster county, a Mrs. Hummer, of Rapho township, was killed whilst resting with an arm on the shoulder of her husband, who was leaning against the casing of a window. Mr. Hummer was stunned so as to be insensible for some time. Three horses, belonging to J. Lightner, Esq. were killed in a pasture field.

In Northampton county, the lightning struck the barn and stable of Mr. Spenzler of Hecktown, and consumed both.

In Northumberland county, the house of Mr. Leighow, near the town of Northumberland, was unroofed by the wind, and the upper story much injured. Trees were torn up and grain fields very much damaged.

*Muncy Telegraph.*

#### BINGHAMPTON AND OWEGO RAIL ROAD.

The books for Stock in this work were opened at Binghampton, on the 4th inst. and upon closing them, nearly twice the capital [150,000,] were subscribed, and a gentleman, of that village, has already been requested to forward to Buffalo 5000 tons of coal for the state of Ohio. This is taking things by the forelock, as the coal is to be brought from Pennsylvania, 52 miles from Binghampton, and sent either by the Chenango canal, when completed, or by the Ithaca and Owego Rail Road, in order to get it to the Erie canal.—*Elmira, N. Y. Republican.*

A company is forming, and stock subscribing for the purpose of constructing steamboats to ply between Owego and the Lackawanna Coal Beds, near Wilkesbarre, in order to introduce that valuable fossil into Western New York.—*Il.*

MINERAL WATER.—Within the limits of the borough of Columbia is a mineral spring, the water of which has been analyzed by an eminent physician of Philadelphia, and thought to be highly medicinal. The muriate of iron predominates largely, rendering it actively tonic. Sulphur and magnesia also, are contained in it, in sufficient quantities to render it slightly aperient. Only a few improvements around the spring, and some one to call public attention to the subject, are required to make Columbia one of the most beneficial and fashionable watering places in the country.—*Spy.*



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## LA FAYETTE COLLEGE.

EASTON, Pa. July 4.

The recent anniversary of our independence was celebrated with more than its usual interest to us of Easton.

The procession for laying the corner stone of La Fayette College, was formed at the court house square, at half past nine o'clock, under the direction of Col. J. M. Porter, Chief Marshal.

On settling the stone to its place, Colonel Porter said: "Here on the anniversary of our independence, we dedicate this building to the cause of science and education. May it long be the seat of virtue and learning. May the example of him whose name it bears, and who is well described as the model of republican chivalry, the hero of three revolutions, of two centuries, and of both hemispheres, inspire the youth who shall be here educated, with the proper spirit of patriotism and philanthropy. And may the all bounteous Author of nature bless this undertaking, protect those engaged in completing this structure from accident and harm, and long preserve it from decay."

The Rev. B. C. Wolf, of the German Reformed Church, delivered a neat, beautiful, and appropriate address.

And the ceremonies were concluded by prayer by the Rev. Mr. Vandever, of the Reformed Dutch Church.

The procession was again formed, and proceeded to the German Reformed Church, where an address was delivered by Joseph R. Ingersoll, Esq. of Philadelphia, to, and in pursuance of the appointment of, the Franklin and Washington Literary Societies of La Fayette College.

## ADDRESS

BY JOSEPH R. INGERSOLL, ESQ.

Delivered before the Literary Societies of La Fayette College, at Easton, Pennsylvania, July 4, 1833. Published at the request of the Societies.

A whole nation is at this moment celebrating the birth day of its independence. From the wide extremes of this extended land the din of arms announces, not the conflict of hostile legions, but the rejoicings of patriot freemen. The thunder of cannon is every where proclaiming a people's gratitude to those who first erected the temple of liberty, and first sacrificed upon her altars; and millions of swelling hearts beat in responsive unison. Let us withdraw for a moment from these animating scenes of joy and gratitude, and indulge in noiseless contemplation our no less fervent sensibility for the blessings we have inherited, and exchange our mutual pledges to cherish and preserve them.

These periodical revolutions of time are happily calculated to keep alive the recollection of past events. Feelings which are inspired even by the great occurrence of the 4th of July, 1776, would become languid if they were not occasionally renewed. Remarkable events are rooted in the memory only when it dwells upon them from time to time, and recalls the periods which gave them existence. They are thus, as it were, acted over again in fancy, with all their attractions, and none of their toils and dangers. They become known

to us by a sort of communication more impressive than history and more vivid than mere tradition; and passing from generation to generation in a frequent and familiar intercourse, their influence is at length stamped indelibly on the hearts and reflected from the conduct of those who thus at stated periods and at short intervals recur to them.

The American revolution cannot properly be estimated, independently of its consequences. Sublime as were the sacrifices which it called forth, it is not to be considered merely as a glorious display of devoted patriotism, untiring fortitude and determined valour—as a bright example of virtuous efforts conducted by a gracious providence to happy results—as a triumphant relief of suffering worth from proud oppression—or as the auspicious establishment of a mighty empire on the broadest basis of popular representation. These properties belong indeed to an event among the most remarkable in the story of mankind. Had it been no otherwise distinguished, history would have inscribed it upon her brightest page; philosophy would have pointed to it as confirming many of her favourite theories; and the shades of those who bled for its accomplishment would have continued to walk amid the conflicts and animate the exertions of struggling freedom until the end of time. It would have taught lessons profitable to the world at large. Its speculative results would have been the property of mankind. But a long train of benefits and blessings was laid for the descendants of those who braved the storm, and who were themselves unconscious of the extent which they would one day reach. These benefits and blessings have continued to pass along the course of time, increasing in abundance and diffusing themselves in lavish bounty in their progress. They resemble a stream which, springing from a pure but unpretending source in the depths of the forest or on the summit of the mountain, gathers as it flows its tributary waters, and gliding through boundless plains which it fertilizes, swells at length into a mighty and majestic river, which reflects from its bright surface populous cities, and bears upon its buoyant waves the productions of a world.

The practical effects of the American revolution are peculiarly ours. National honour and individual prosperity; an attainment of all the comforts and conveniences of life; science adopted, learning cultivated, and knowledge every where diffused; a spirit of enterprise without a parallel; activity the most intense, and success in almost every undertaking within the reach of human strength—all are results, the deep foundations of which were laid on the day and by the deed, which we are now commemorating. But for that day and that deed, they would have been unknown, and this now united and powerful republic would have continued to be a collection of loosely combined and dependent colonies. They would have languished in feeble existence, subject to the caprice of foreign power; the perpetual prey, and the bloody arena of a warfare not their own; starved perhaps by the neglect, or, what would have been scarcely better, fed by the condescending bounty of a distant master. Where are the colonies that have really assumed the dignity or enjoyed the advantages of a nation? Shall we turn to the West India Islands? Different governments of Europe



have there tried the effect of their respective systems; and have left their dependencies almost motionless in moral and intellectual improvement, effectually moving only in a career of monied advantages, where it is difficult to say which is the more intolerable, the insecurity and perpetual alarm of the master, or the hopeless, yet unsubdued and reluctant submission of the slave. Spain has gone on adding to the load of oppression under which her American colonists had groaned, for ages, until at length the chains were broken which had become too galling to be borne. But what has the boasted colonial policy of Great Britain done to benefit its subjects? how little has it attempted except to enrich herself! Human sacrifices still kindle the fires which burn upon the funeral piles of Hindoo superstition. The idol Juggernaut still dyes his chariot wheels with human blood. These sad remains of native ignorance darken the sky of European supremacy, while the once splendid fabrics of Asiatic taste and elegance are mouldering into dust. What has the country, peopled with eighty-nine millions of inhabitants, gained by the exchange of rulers? Ignorance and a false religion, with its impure and impious rites, maintain their power; not even as formerly, at least the companions of national independence; but shorn of the consolations which the elevation and grandeur of self-government might have continued to inspire. Shall we compare the advancement of the Canadas, much favored as they have been by their distant rulers, with that of their republican neighbours? A single illustration may suffice. The happiest invention of modern times for the diffusion of useful and universal information, in the cheapest form, the freshest in production, the most various in matter, and the most practical for the purposes of life, is the establishment of gazettes. The art of printing was imperfect without them. Books are the preceptors of the scholar and the philosopher, but the daily press is the friend and the companion of the man. No station is so exalted as to be out of the sphere of its influence, none so humble that it does not reach it. It is alike welcome in the populous city and the sequestered vale. It goes forth with the sun himself, and diffuses universal light. Political knowledge and individual instruction are alike disseminated by it. It penetrates the workshop and the counting room, the cottage and the cabin: it flies to the traveller, however remote, on wings as swift almost as light, and overtakes and cheers him with the intelligence of his home. The chamber of the sick is relieved by its consolations; even the dungeon of the prisoner is rendered less dark by its sympathy. We are told by Sir James Mackintosh, in his celebrated defence of Peltier for an alleged libel on Napoleon, that in the year of the Armada, Queen Elizabeth caused to be printed the first gazette that ever appeared in England. "This," he adds, "was one of the most sagacious experiments, one of the greatest discoveries of political genius, one of the most striking anticipations of future experience that we find in history." More than sixty gazettes are *daily* issued from the presses of these United States, besides the numbers which less frequently appear. In England, too, they multiplied and magnified to the best of purposes under the patronage of the successors of Elizabeth, their ministers and people. Yet the Canadas have, it seems, within the last few weeks, (if it has been done at all) made their very first attempt thus with every rising sun to enlighten the public mind—to penetrate like his beams the deepest caverns, and dispel the shades of ignorance—to establish a watchtower, which to a people boasting of freedom and meaning to maintain it, is indispensable—a lighthouse, which to a people desirous of general knowledge, is inestimable.

A debt of gratitude which can never be effectually cancelled, is due to the founders of our republic, from all who enjoy the rich inheritance; an inheritance which their valour won and their wisdom has, we devoutly trust, secured. It may be partially repaid only by ne-

ver ceasing efforts, to dishonour not the authors of our blood—"to attest that those whom we call fathers did beget us." The devout Mahometan in his daily prayers, is said to turn from every corner of the remotest lands towards the temple of Mecca. So should the grateful American fix his steady eye and constant heart upon the event which rendered this day the brightest of the political year; animated by the spirit, instructed by the precepts, led by the example and faithful to the principles which shone forth on that trying occasion, when the garb of patriotism was to all appearance of the same texture and the same hue with the robe of rebellion—when clouds and darkness hung upon the same narrow steep and thorny path which led to immortal fame or to an ignominious grave—to honour or the scaffold—to liberty or death. During the whole voyage of life, in all its varying latitudes from early infancy to extremest age, this same bright star should guide us, these same ennobling feelings should inspire and animate and purify us. Neither the young nor the old are exempt from the obligation. It calls alike for the exertions of all. While the active performers on the stage devote the best energies of manly maturity to ennoble and exalt their country, they are cheered by the smiles and guided by the instructions of the venerable fathers of the nation. Youth, too, has its no less appropriate office. The young Hannibal before the assembled wisdom of Carthage offered up his vow of unrelenting hatred to the Romans. Let the young American, in better spirit but with the same undoubting zeal, devote himself to the love and service of his native land. In the discharge of this his sacred vow, his earliest and his unceasing efforts must be directed to the promotion of science, without which even freedom itself would be an empty name. It is the best—under the sacred guardianship of heaven, it is the only safe protection of the dignity, the power, the glory, the happiness, the virtue, and even the existence of the republic. Without it, her institutions are erected on the sand; defenceless from the shocks of ignorance, caprice and passion; with it, they are grounded on the solid rock, and will defy the storms of foreign and domestic strife.

The maxim has grown to be as familiar as it is true, that knowledge is power. The very terms are almost synonymous. Our language derives from the same root the words which imply the strength to execute and the intellect to perceive and learn. Glossarists trace the term *king*, now serving the title of the possessor of the proudest human rank, to an origin which signifies *knowledge*, that being the first and surest fountain of authority. But the cause we advocate and are endeavouring to sustain, would deserve only half our homage were it the source or the instrument of merely power. Mere power, unenlightened, unrefined, with the strength of angels, may be tainted with the wickedness of demons. Science is the companion and the parent of virtue—the antidote and foe of vice. Power, enlightened, purified, refined, is the attribute of God himself. It is in a state of ignorance, that the imagination of man's heart is desperately wicked. Religion and virtue find their way to it when the path is lighted by the lamp of knowledge.

The progress of science may be traced and its charms discerned in a gradual extinction of the evil dispositions, and a corresponding improvement in the finer feelings of our nature, as the understanding is enlightened and the manners are refined. Barbarous nations are without definite notions of property or solicitude for the acquisition of it, and they are thus strangers to a pregnant source of crimes among those which are civilized. Yet they are the victims of internal discord more savage and relentless than that of beast of prey; and of external warfare, fierce, cruel and insatiable. The ancient Saxons and their neighbouring Danes were perpetually involved in ferocious and brutal conflicts. Scarcely less ferocity at one time mingled with the border wars of the English and the Scots. Yet the same blood which, un-



checked in its tumultuous fury, became inflamed to more than madness among them, plunged in ignorance as they were, now flows in gentle currents through the veins of their educated descendants. Conquests of a nobler nature are now the objects of ambition—the brilliant and bloodless conquests of mind over matter, and the corresponding triumphs of reason and philosophy over passion, ignorance and vice. Every student should be familiar with the delightful work of Professor Herschel, written not long since expressly to show the advantages of science. Astronomy, chemistry, magnetism, the use of steam, navigation—have all during the present age and at a recent period of it developed resources, and been made productive of results, which at any time heretofore, would have been deemed impracticable or supernatural. Wisdom once employed itself in fruitless searches for the art of divination among conjunctions of the planets, or hoped to manufacture gold by the discovery of the philosopher's stone. That is the true astrology which opens the book of science, and foretels to the fearless mariner his safety on the trackless ocean; which bids him securely leave every landmark and trust to the unerring guardianship of an occasionally cloudless sky, and conducts him after months of absence precisely to his wished for home. That is the only alchemy which finds a philosopher's stone in the commonest productions of nature, and with known and simple elements forces matter into changes which Ovid never dreamt of and the fabled Proteus never underwent. What would the wisest of the philosophers of former times have said had he been told that sawdust can be converted into wholesome digestible and nutritious food? that linen rags can produce more than their own weight of sugar? or that a bushel of coal properly consumed can be made to raise a weight of seventy millions of pounds?

Natural philosophy is the root of science. Most of the discoveries useful to mankind are drawn directly from it, and all may be regarded as more or less connected with it. The various departments of knowledge are more nearly allied to each other than a superficial observer would suppose. A very skilful and sagacious writer advises the youthful lawyer to prepare himself for the cross examination of witnesses by a careful study of the mathematics. Intellect is necessarily affected and perhaps controlled by the matter which surrounds it. Natural science therefore, which teaches the phenomena of all that the senses can perceive, and all that can be accurately known, leads to an acquaintance with the operations of the mind itself. How can we direct the human will, without a knowledge of the fibres of the body by which it acts, without analyzing the air which its possessor breathes, without penetrating into the earth he cultivates, and from which he draws his subsistence and his enjoyments; without ascertaining the opportunities which he has for the exercise and improvement of the faculties which we should for ever seek to direct to some useful and efficient end? Grecian learning, with all its brilliancy, wanted the basis of precision and accuracy, because Grecian scholars were ignorant of the philosophy of nature. One wise man thought he had settled every thing in science; another believed that nothing could be settled. Both were wrong, and their mistake arose from the want of an unerring standard to suspend the premature conclusions of the one and resolve the discontented misgivings of the other. Modern times claim a superiority in discarding most of what is merely speculative, and holding fast to the useful and the true. No period of the world has been, and no portion of it can be more propitious than ours to the cultivation of what is thus peculiarly valuable and instructive. It suits the simplicity of our manners, and harmonizes with our tastes and favourite pursuits, and with the circumstances in which we are placed. You are especially in possession of the advantages, connected as you are with an institution which combines instruction in all that is lofty and sublime in the theory, with all

that is practically beneficial in the business of life—which is to secure to you the companionship and the elegance of Virgil among flock and herds and implements of husbandry—which teaches you to soar with Newton among the stars, or to meditate with the patriarch Isaac at eventide—to unite the learning of the closet with the labours of the field.

Constant activity and exertion of mind and body are necessary to the wholesome condition and successful employment of each. Man was not born to be idle. Mark the bloated frame of the sluggard, his nerveless arm, his beamless eye. His decrepitude is less pitiable than his vicious appetites are loathsome, which he has still the passion without the power to indulge. Has sloth made less disastrous inroads upon his moral nature? No. Mental idleness is immeasurably more disastrous. The mind cannot be motionless or unproductive if it would. It is insusceptible of a *vacuum*. Vice and crime grow up in rich and rank luxuriance, if their place be not thickly sown with plants of better growth. All the lessons of nature, of philosophy, and of religion, are opposed to idleness, which according to Spencer, is the nurse of sin, the companion and the fellow slave of gluttony and lust, of envy, avarice and wrath. The earth is fitted to call forth the energies of fallen man. In his first estate he was “to dress it and keep it.” But when he lost his innocence, nature herself was changed. The ground became reluctant, though not rebellious, and he was to till it with labour and moisten its productions with the sweat of his brow. Some of the plants of Paradise still here and there diffuse their fragrance over the bosom of nature, but they are happily no longer of spontaneous growth. Constituted as we are, toil sweetens the perfumes of the fairest flowers and adds flavour to the richest fruit. Sloth has not even present comfort and enjoyment to recommend it. It is as odious as it is pernicious; as burdensome and oppressive at the moment, as it is disastrous in its results. Paradox as it may appear, idleness is the hardest work. Every hour of the indefatigable student flies on eagle's wings, while the leaden moments of the idler linger in reluctant and oppressive tediousness. Foreigners sometimes reproach us as incompetent to literary exertion for the want of leisure. There is neither philosophy nor truth in the assertion. We have men of leisure; but they are for the most part like the corresponding class abroad, neither disposed nor habituated to efforts either of literature or business. A literary lord is a rare production; and when he is to be found he often owes his title to his literature, and not his literature to his title. Lord Byron indeed, whose literature is not lofty enough to sanctify his bad feelings or bad morals, was unexpectedly a lord, and he laid the foundation for his literature before he became one. But the few noble writers of Great Britain, from Lord Bacon, who was unworthy only in his dignities, to Lord Brougham, who condescended to accept a title, wear a wreath fairer than princely crowns. On the other hand, Sir William Jones and Sir Humphrey Davy, and the most abundant and delightful writer of the age, Sir Walter Scott, were all men of business, and attentive in the midst of varied study to their professional and official pursuits. The discipline which the mind acquires in a course of industry qualifies it for the occupations of science, if it has the taste to enjoy them. All the leisure of a hermit will not have the effect, if it has not. Cultivate then this taste which may be properly directed and chastened and elevated, where it is natural, and may even be acquired where it is not.

Youth is the season for acquirement—not merely for the acquisition of habits of taste, study, reflection, generosity of sentiment, energy in action, kindness of feeling, and all that is calculated to ennoble and purify the moral character; but of solid and beneficial knowledge. I do not mean to urge this position, because of the importance of fixing early habits of industry and application; or of the more numerous and effective



duties of after life ; or of the solemn truth that the hopes of the young like the disappointments of the old, are not exempt from the liability which awaits every thing human, of being terminated by the stroke of death. All these are inducements of unquestionable strength. But beyond them all as an argument from expediency is the fact, that the capacity for learning is the liveliest and the strongest and the most active among the young. Granting a superiority of *judgment* to the mind that is matured by experience and enriched with knowledge, that which is fresh in years is the best adapted to acquirement. I will not pause to consider whether it proceed solely from the vivacity of youth, its ardour in the pursuit and unmingled delight in the enjoyment of the objects of its choice ; or whether these qualities are materially aided by the absence of other cares, and the means of giving a devotion without restraint to what it would learn. But it is the floodtide of opportunity which cannot without irreparable loss be permitted to pass away. The first word in the soldier's vocabulary is *attention* ; and it should be inscribed on every page of the scholar's manual. It is the warrant of fidelity and exactitude in every pursuit. It is the surest aid to prompt as well as extensive acquisition, the secret spring of genius itself. It is at least the generous and steady contributor to the memory, if it be not another word for the memory itself, which according to Cicero, is a universal treasury. \* Why do the old so frequently complain that they can remember events of distant occurrence while they readily forget those of recent date ? Because the faculty for acquirement slumbers, because the vigour for attention has passed away. Why does technical assistance, or the recurrence at the moment of study to analogous objects, fix the particular matter more deeply in the mind ? Because the attention is thus rivetted to it by a double effort. Early impressions, made when the senses are acute and unimpaired, and when curiosity is wide awake without a prompter, are not effaced by the lapse of years. They sink deep into the mind, and like letters carved on marble, last until the substance which receives them is destroyed. Late impressions, if such they can be called, which are made through the imperfect attention of feeble and decaying faculties, are like marks upon the yielding sand which the succeeding wave washes away. Memory may remain to the last stage of life, but the agent that should thus minister to its supplies, having lost its energy, the treasure intended for preservation is consigned to instant and irremediable oblivion. Seize the propitious moment, which is always the present one. Procrastination is the thief of duty as well as time ; and time, if not a friend, is the most unrelenting and inexorable foe. His rapid journey is delayed at no resting place ; his eye never closes, his wing never droops, his arm never tires, his scythe is as insatiable as the grave—

For beauty, wit,  
High birth, vigour of bone, desert in service,  
Love, friendship, charity, are subjects all  
To envious and calumniating time.

Were it necessary for the present purpose, it could be demonstrated that youth is scarcely less qualified for bold exploits than for untiring study. Many are the examples from Alexander of Macedonia to Napoleon Bonaparte of early greatness. There are not a few where it has been succeeded by comparative feebleness in middle life. But the instances are rare of capacity in age engrafted upon slothfulness and imbecility in earlier years.

In pursuing a course of honorable and useful instruction, a broad basis must be laid in attainments of universal value. The disposition and the talent for a particular pursuit may not soon be developed, and until they

are, a comprehensive system of elementary education is calculated to bring them into obvious relief, and to afford opportunities for a wise selection with a prospect of honorable proficiency and ultimate success. Yet the time must come when the broad and beaten road of general knowledge diverges into various narrow paths. Among them a selection must be made of the one which is to lead to eminence. Happily all are honourable and meritorious. A choice is to be influenced less by the abstract nature of the duty which is to ensue, than by the temper and qualities of the mind and body of him who is about to choose. Each has its responsibilities ; and where can the lot of man be cast without them ? Each has its enjoyments in possession or in prospect, and each has its troubles and its cares.

In a country where church and state are disconnected, nothing can be more free from every sordid and selfish consideration than the motives which lead the minister of the gospel to his holy calling. They are for the most part a pledge for the purity of his life and the fidelity of his exertions. Few and lowly are the earthly honours that invite his choice or reward his sacrifices. He needs no recorded vow of perpetual poverty. While a broad line separates him from power, political consequence, and worldly pleasure, an adequate supply for temporal wants is all that his profession can afford him ; subsistence is often earned by rigid self-denial, and sometimes his frugal meals are made upon the bread of tears. Sustained by the consciousness of doing good, and contented in the absence of all that glitters upon the mere surface of human existence, while others run the race of life for a corruptible crown, he literally seeks one that is incorruptible.

Scarcely less benevolent are the motives, although more productive of pecuniary benefit, are the exertions of the physician. A guardian angel of the sick, he is often able to pour the balm of consolation into the wounds of the afflicted. In his study and his practice nature unlocks to him her varied stores, and art becomes his willing tributary. All the best feelings of the mind and heart are called forth into active exercise. Is he a philosopher ? there is no limit to the expanded field of speculation and discovery which is presented to him. Is he a philanthropist ? there is no end of his power and opportunity of affording relief to suffering humanity. Crowns and mitres are of no value to the aching head. Swords and sceptres becomes impotent in the palsied hand. The minister of health removes from the brow the heaviest load of care, strengthens the arm of impotency, and makes

“The flinty and steel couch,  
A thrice driven bed of down.”

If activity and enterprise are better suited to the temper than a life of study and comparative retirement, commerce presents her never ceasing charms. No corner of the great globe is inaccessible to her visits. She gratifies the most ardent curiosity by an intercourse and immediate alliance with the remotest climes. To the enterprising she affords the widest scope for untiring activity ; to the generous she furnishes the readiest and most abundant means for the exercise of liberality. Stores of wealth are accumulated by the skill and industry of the merchant. But he feels himself to be rather the faithful steward who is to distribute them, than the avaricious master who is to hoard them during life, or to commit them in a course of unnatural primogeniture to the perils of profligacy and vicious expenditures, when he can no longer dispense or enjoy them. In a country like our own, where pomp has no parasites and riches alone cannot secure esteem, the virtues of the liberal merchant are especially conspicuous. Of what avail are boundless treasures to himself, if they cannot purchase for him a coronet or seat him in a palace ? How inestimable is their value when they are devoted to the embellishment and honour of his country ! The munificence of the De Medici towards the

\* “Quid dicam de thesauro rerum omnium, memoria ?  
Cic. de Orat. lib. 1, 19.



city of Florence, has been emulated in a course of generous rivalry among ourselves. In one city the acquisitions of commerce are directed during the life of their proprietor with judicious kindness to the cultivation of literature, or to open the eyes of the blind. In another they are poured forth in posthumous profusion in various channels, to embellish, to instruct, and to improve. Where shall we look for a parallel to the prudence and care in the acquisition of wealth, or the disinterested liberality in the distribution of it, which have been exhibited in the recent instance of Stephen Girard? His laborious life of never changing fidelity, teaches a striking lesson how wealth the most extensive may be acquired. His devotion of more than six millions to the benefit of his fellow citizens, and of that a large portion directly to the purposes of education, furnishes a bright example how it should be bestowed.

Who can feel the charms of nature, or that knows the value and the bliss of domestic peace, is insensible to the invitations of a country life? There, the ruder passions are softened, and the more restless ones are tranquilized and subdued. Labour gives flavour to the frugal meal and secures repose to the toil worn limbs. If the sphere of action be more limited, that of contemplation is more extensive. If the opportunities for shining actions are not so frequent and various, the temptations to those of an opposite character are less abundant. Yet a life of retirement would be altogether uncongenial to him whose resources within himself are not a substitute for society. A mind disciplined by deep reflection, a body invigorated by toil, may qualify their possessor for the most difficult and responsible employments, and for stations the most dignified and exalted. The ancients would have peopled with spiritual instructors the shady grove. They would have imputed to an intercourse with its tutelary inhabitants, the knowledge and wisdom which solitude and study are competent to confer. They would have sought a sovereign or a general at the door of his cottage, or at the tail of the plough; and they would have justified their choice in the wisdom of a Numa, and the valour of a Cincinnatus.

At every period of civil society when the smallest ingredient of freedom has entered into the composition of the government, the public interests have been closely united to the profession of the law. Judging by the numbers that throng the path, it is the most attractive to the young aspirant for fame. Little, however, do they who regard at a distance, know the thorns with which its steep ascent abounds. Labour and responsibility attend its every footstep; and when at last its giddiest heights are gained, few and fortunate are the travellers who even there can find repose. Yet its labours are not inelegant, nor its duties barren in results grateful to the generous mind. Oppression may be burdensome in the extreme, and tyranny may be complicated beyond endurance, if the oppressed are left to seek relief by their own unassisted appeals to justice. Many are ignorant of their rights; more are unable to command the time and the means which are required to assert them. Poverty may be crushed by the "oppressor's wrongs"—suffering virtue may be unprotected from "the proud man's contumely"—innocence may sink under the rebuke and "insolence of office." To wipe the tear from the widow's and the orphan's eye; to shield the weak from the blow of proud oppression; and to vindicate from all abuse the majesty and the purity of justice, are the duty and the delight of the virtuous lawyer. And oh! how awful, how almost more than human are the powers committed to his charge, if he assume the office of a judge or a seat in the councils of his country. The issues of life and death depend upon his nod; a nation's fate may hang upon his lips. If ignorance or indolence debase his mind, or caprice or passion sway his judgment, the magnitude of his power is equalled by the extremity of his crime.

To all these professions and pursuits a liberal educa-

tion is valuable, to some of them it is indispensable. Besides these, other occupations are presented to the ambitious scholar for which the course of instruction here adopted will eminently qualify him. Every part of this great continent seems destined to become the theatre of improvements, which in many places are already far advanced in their progress, and at periods more or less remote, will embrace the whole. Agriculture is promoted among us to the rank of a science. Roads and canals are intersecting various portions of the land; connecting distant waters, and penetrating the bosoms or ascending the summits of the proudest mountains. The rapid and universal advancement of an enlightened age requires that the prolific earth should be made to yield its rich resources, and that all the elements should be brought into contribution to facilitate and give effect to the labours of mankind. Already have stores been unlocked which preceding ages had not ventured to explore. Art has revoked the decrees of nature in annihilating distances which she had made extreme. In the furtherance of these gigantic objects, a large supply of talent and science will always be required throughout the land. But it is especially in this portion of it that the qualities referred to will find their home. A territory of more than twenty-seven millions of acres is to be compressed into the narrowest limits, as respects the ready interchange of productions and the mutual access and intercourse of its inhabitants; while its broad surface as to its productiveness under the effect of cultivation, and its capacious bosom as a rich, various and extensive repository, must be boundless as the firmament. Without detracting from the merits of her sister commonwealths, Pennsylvania claims to possess an unsurpassed combination of resources and advantages. Her noble rivers, luxuriant soil, unmeasured mines, and vigorous, hardy, practical and industrious population, may challenge as a whole the competition of the fairest of her sisterhood. Every material which is necessary to the moral greatness of man is found in abundance within her bowels. Gold and silver alone are rare. Nor will she lament their scarcity or envy the possession of them in greater extent by her neighbours. When Cræsus, king of Lydia, had displayed to the Athenian lawgiver his shining horde of gold, and hoped that it had excited the admiration of the philosopher, he was himself astonished at the suggestion that all of it might become the ready prey of those who had iron to conquer it. This is truly the *precious metal*, whose use contributes most to human happiness and strength—the material of the plough share and the pruning hook, of the ax, the anvil, and the steam engine.

It is the pride and privilege of Pennsylvania that she can fasten the bonds of union which connect the different members of this great republic together, by pouring her inexhaustible resources into the lap of each, and by receiving in her turn the supplies of her adventurous and persevering fellow labourers of the north, and the generous products of the fertile south. In situation and in strength she will delight to continue the key stone of the vast political arch as long as it shall rest upon the foundations of freedom and virtue, and while each particular section remains true to its position and firm in its hold. And if, in an evil hour, the schemes of ill directed ambition shall prevail, and this fair frame of government shall be destroyed, she will rise in unassisted strength, and standing in reluctant though secure reliance upon her own resources, she will mourn over the glittering fragments that are scattered around her.

In a comprehensive scheme of education, every source of moral and intellectual culture must be resorted to. Were precept alone sufficient to regulate the conduct and inform the understanding, all would be good and wise. Writings under the influence of divine inspiration and human intelligence are full of lessons which, if carefully learned and faithfully applied to the actions of men, are sufficient to guard against error and pre-



serve an adherence to wisdom, rectitude and truth. But precept is often colder than the heart, and is therefore uncongenial to its feelings. It is less active than the temper, and therefore cannot keep pace with its movements. Even conscience herself, were she always well instructed and correct in her determinations, it is obvious from daily observation, may be lulled to sleep by interest, or if she speaks, her still small voice may be drowned by the tumults of pleasure or of business. The magic ring of the Arabian story which reminded the wearer of his duty as he was about to depart from it, became irksome and was thrown aside. If it were practicable to be attended at all times by some sagacious friend, whose influence could not be resisted, and who should arrest the erring purpose in the breast, it would destroy that moral responsibility, which is an ingredient of our nature. It would require besides, a guardian like the Mentor of Telemachus of more than human wisdom and spotless purity. Next in efficiency to such actual companionship is the example when it can be vividly exhibited, of those whose lives and actions approaching the nearest to perfection, afford the safest model for study and imitation, and whose characters may be exhibited, purified from their bodily particles of human imperfection and infirmity. The Roman youth were urged always to conduct themselves as if the eye of Cato were upon them. Measuring their steps by his example, they were not to stagnate into sloth, or run into vice.

The founders of this institution, influenced by similar considerations have wisely associated with it, some of the names, and thus created an obvious connexion with the characters, that have given especial renown to the nation.

The name of Lafayette is a pledge for the combination of many virtues. It has been said that no man's fame can be established till his death. So feeble is human nature in its best condition, that while this frail body remains united to its immortal companion, there is always danger that a single error may forfeit the reputation which it was the well directed object of a long and blameless life to acquire. But a rare union of estimable qualities, without the alloy of opposite and counteracting faults—intrepidity without rashness—generosity without extravagance—a desire to excel without dangerous or designing ambition—sincerity without sternness—kindness without effeminacy—and confidence without credulity—seem to afford a pledge that the straight and consistent course which has been heretofore pursued by the good Lafayette may be continued to the end. There was an awful crisis in the struggle of these states for freedom. Exertion was almost exhausted. Disasters had been endured until patriotism tired of their repetition, and no prospect opened of their end. All was gloom. Even hope itself was sinking rapidly into despondency. At such a moment unlooked for succor came. The moral principle was exemplified that no disease is hopeless but despair. The drooping cause of liberty required an influence more imposing than its own merits, and it was afforded in the arm and the countenance of a youthful nobleman. It needed an example of great pecuniary risk, and it was found in the disinterested liberality which set a princely fortune on the cast. The tide of adversity began at once to turn. The sympathies of the world encouraged another effort, and the result was the attainment of victory and the security of freedom. Through the varying fortunes of the French nation, which has breathed an atmosphere of intense excitement if not of absolute revolution for more than forty years, it is the glory of Lafayette that he never departed from the line which his generous nature marked out from the beginning. In the chaos of anarchy he opposed the mad career of popular phrenzy. In the reign of despotism, he did not disguise his love of liberty. If the hope of contributing to the happiness of his country ever led him to unite in counsels which were ultimately disas-

trous, he had the magnanimity to withdraw from them when the means became licentious or the end unjust. Always the same generous friend, the same gallant soldier, the same disinterested patriot. Tranquil and consistent in his purposes at the head of armies or under a load of chains—defending the cause of humanity in the senate house, or pouring forth his blood on the field of glory. May the laurel which surrounds his honoured brows long retain its verdure, and when his eyes shall close in death, may it bloom in perpetual freshness on his grave.

The name of Lafayette is here associated with others long since hallowed by the sanctifying influence of the tomb. When the children of America shall have exhausted all their fund of gratitude, they will come far short of what they owe to Franklin for the benefits he has conferred upon them and upon mankind. In the city, where for the most part he resided, and where his ashes rest, the eye can scarcely turn to a long established object of general good, that does not owe its origin largely to his public spirit and exertions. His example has sometimes been quoted as an argument against the necessity and value of polite learning. Nothing could be more erroneous. The founder of the earliest College in the country, now an extensive university; of that noble Library which scatters knowledge with a lavish hand; of that Philosophical Society, whose untiring efforts have continued to increase in ardour and usefulness—could no more be charged with failing in his love of literature, than he could be suspected of wanting the qualities of the heart, while the Pennsylvania Hospital stands a proud and enduring monument of his philanthropy. His own native force of intellect, indeed enabled him to overcome the want of a systematic education in early life; yet it was in an enthusiastic devotion to the pages of the classic Xenophon, that he became enamoured of the character of Socrates and learned to adopt it for his model as a philosopher.

But there is one whose name and example are happily blended with the hopes of this rising institution, who united all the manly consistency of Lafayette, and all the fervent patriotism of Franklin, with qualities which were peculiarly his own. The characters of men of a distant age, like those of the events in which they engaged, may be obscured by time or misrepresented by tradition. Historians have pointed out in the long catalogue of names that have shone in the annals of nations, two that have been handed down spotless. These are Alfred of England, and Marcus Aurelius, who wept when he became an Emperor. But they impute their freedom from all reproach to the imperfection of history itself, and consider their defects so necessarily incident to mankind, that they must have been buried with the recollections of their cotemporaries. Not so with Washington. The generation which came with him into life has indeed departed. That too which succeeded and witnessed his exploits, is rapidly passing away, and soon, very soon, not a vestige of it will remain. But the country is yet full of those who form, as it were, links which are to connect the days of Washington with those of his posterity. It is for them to take care that the knowledge of his especial qualities does not partake of the fleeting properties of almost all things human, and like them melt away and be forgotten. Let then his cotemporaries, for such are all that have attained the age of four and thirty years, with the knowledge which they possess, of all that envy may have distorted or disappointment feigned—let them with the influence of immediate contact, and without the advantages which distance of time may afford to a doubtful character—let them record his feelings if they can.

Other heroes may have won more blood stained trophies. Other conquerors may have ruled over more populous empires. But the occasion and the individual never were so adapted to each other, conduct never was displayed so eminently fitted to produce its happy



and glorious result, as in the instance of the American Revolution and the early history of these United States—and George Washington. More brilliant exploits might perhaps have been performed to dazzle the eye, but they might too have marred the work which was to be achieved by an unpretending heroism as novel as it was illustrious. The triumphs of the warrior might perhaps have been more resplendent, but they would have endangered the safety of his country. The great man whose name you have assumed, was like many of the heroes of the ancient world, but in the essential properties of greatness, he surpassed them all. Home bred and home devoted he was the model for Americans. In war the undaunted soldier with the circumspection of a philosopher, in peace the sagacious statesman with the nerve and vigour of a warrior.

With all the advantages and inducements that have been adverted to, what more could be desired to inflame the ardour of honourable ambition, or crown the efforts of successful zeal? The character and conquests of your ancestors, are sacred pledges confided to your hands. The cause of science is the cause of freedom, of virtue, and of happiness. The institutions of our country give value and importance to the services of all her citizens, and should stimulate the most diffident of them to put forth his utmost strength. The occupations and pursuits presented to them are full of moral and intellectual enjoyment. The great commonwealth of which we are the immediate inhabitants teems with resources, opportunities and rewards. The names of patriots and sages are assumed by you, as badges of adoption into the parent seminary, and of emulation among her sons. If worthily worn they are emblems of honour; if abused or neglected they are the marks of shame. Thus excited to manly exertion, were your abode cast in the mournful cloister and surrounded by the sands of the inhospitable desert, you could scarcely fail to rise to the rank of accomplished scholars and estimable men. But around you all nature speaks in glorious harmony with the feelings and desires, which every gilded recollection, which every buoyant hope is calculated to inspire. The muse of history is yet young amongst us. Yet her records already show that yonder lofty hills crowned with luxuriant foliage, these copious rivers now loaded with ample freights, those fertile plains now rich in abundant harvests, were bestowed by providence for wiser purposes than to nourish game for the savage, or afford indulgence to his barbarous sports. Their first rude master has departed. His war-whoop at the murderous onset, no longer echoes in the valleys—his retiring footstep no longer marks the mountain path with blood. They are as little destined for the abode of the untutored and ignorant, who in the natural progress of events succeeded. They too have done their duty and have gone to subdue other forests and to prepare for the husbandmen other fields. A wilderness has given place to the cultivated plain, and smiling towns lift their spires where at no distant day the sturdy stroke of the pioneer alone resounded. Every thing is accomplished except the task of the scholar. That great work is reserved especially for you. Guided and conducted by the good and wise, patronized by the liberal, and encouraged by all, this rising institution depends for its reputation and success on those who have enrolled themselves as its pupils and are to carry abroad in their own accomplishments, its character and fame. Should you falter and fail in the great race that is running by all around you, how deep and lasting will be your reproach. But should you in untiring zeal, successfully strive with them for the mastery, immortal may be your glory, immeasurable your reward.

Mr. Albert C. Lester, of Quakertown, Bucks county, shot a large bald Eagle, in the vicinity of that place, a few days since, which measured six feet from the tip of one wing to the tip of the other.

From the Commercial Herald.

## SKETCHES OF PENNSYLVANIA.

No. 9.

We shall devote the present number to some general observations in regard to the Mountain Ranges of Pennsylvania, which belonged in strictness to the last, but were excluded from want of space.

It will be remembered that proceeding from the east to west, we have designated and described, six distinct mountain formations, passing through Pennsylvania and extending great distances to the north-east and south-west. There are 1st, the Blue ridge or Welsh mountain. 2d, the Blue ridge, of Virginia, known in Pennsylvania as the Conewago and Lehigh hills. 3d, the Kittatiny or Blue mountains. 4th, the Great Alleghany. 5th, the Laurel hill; and the 6th, the Chesnut ridge. We have also described several ranges between the Kittatiny and Alleghany, which occupy the central mountain region of the state.

As a proof of the correctness of our remark, that by the courses of the mountains, the leading communications through the country were in a great degree regulated, it is worthy of note that nearly all the important post roads from the north-east to south-west, lie parallel to these ranges, and in the valleys which separate these ranges from each other. From the city of Washington, for example, three great post roads lead to the south-west, below the first, second and third ridges which we have described, and parallel to them.

As a general rule the various mountains of Pennsylvania increase in elevation as you proceed westward, until you pass the Alleghany. After that, there is a comparative decline. The elevation of the Mine ridge probably never exceeds 800 feet above tide water—that of the Blue ridge is about 1200, and of the Kittatiny about 1500. The Broad mountain in many places attains to the height of 2000 feet. The Alleghany mountain at Blair's gap, where the Pennsylvania Railway crosses it, is 2291 above the tide water. This is however one of the lowest passes; its general elevation is probably from 2500 to 2800 feet; at the point where it is proposed to tunnel that mountain for the Chesapeake and Ohio Canal, the height is 2754 feet.

In tracing the various mountain ranges, we have not heretofore followed them further than the Hudson river towards the north and east. We have had one reason for this omission. That river is in itself an anomaly. For 150 miles of its course it is an arm of the sea extending through several great mountain formations without interruption to the flow of the tides from the Ocean. No other such instance can be found in the United States.

It is remarkable also, that all the mountains on reaching the Hudson, change both their course and character. East of that river the mountains invariably run from north to south—so that the continuation of the various ranges which we have described is to be looked for in the Green mountains of Vermont, the White mountains of New Hampshire, and those of Canada. Probably the Highlands on the north-eastern boundary, about which so much has been written, and so much diplomacy spent, belong to those ranges. Another remarkable circumstance is, that those which in Pennsylvania are of inferior height become very elevated on the Hudson, and vice versa. The Blue ridge, for example, which we call but a hill, rises at West Point to the lofty peak, known as the Highlands of the Hudson. The Kittatiny, which in Pennsylvania is not remarkable for elevation, forms the Catskill mountain, the loftiest mountain in New York. When we come, however, to trace the great Alleghany, and the intermediate ranges between it and the Kittatiny, we are compelled to refer that to the comparatively insignificant hills, which cross the Mohawk, between Schenectady and the Little Falls, and the Hudson above Troy.



An idea is generally entertained, that the Alleghany mountain is the great back bone of the country, from which the streams flow on either side, and that it constitutes the dividing ground between the eastern and western waters. This opinion is in a great degree erroneous. It is true in Pennsylvania only, as to the country south of the Juniata and Conemaugh, comprising about one third of the width of the state—north of those streams the dividing ridge will be found far west of the mountain known as the Alleghany. In Maryland and in the northern part of Virginia, the Alleghany divides the waters of the Ohio from those of the Chesapeake, the Kenhawa, however, not only breaks that mountain, but all between it and the Blue ridge, and takes its rise at the western base of the latter range. The Holston river, also, which is one of the main branches of the Tennessee, has its origin east of the Alleghany mountain.

In connexion with what we have said of the mountains of Pennsylvania, a general view of its geological structure may prove interesting.

The south eastern border of the state is a primitive formation, composed principally of Gneiss rock, with some intermixture of granite. The western boundary of this formation crosses the Delaware near New Hope, and passes south westerly through Bucks, Montgomery, and Chester, to near Kennett square, then about west to the centre of York county, where it again turns south west, and passes into Maryland. The primitive is succeeded on the west by the transition formation, which reaches to the Alleghany mountain. That portion of it below the Blue ridge is what geologists call the Old Red sandstone. The line between the transition and secondary formation follows the Alleghany mountain from south to north, until it approaches the west branch Susquehanna, and crosses that stream near Williamsport, in Lycoming county, about 40 miles below Dunnstown, where by the maps the Alleghany is represented to cross. It was this direction of the mountain as laid down from its general character as a boundary between the secondary and transition which induced us to express our opinion in a former number, that the map makers have erred, by adopting the received opinion of the country, instead of attending to more certain indications. The same boundary crosses the north branch near Tunkhannock. North west of this line the remainder of Pennsylvania is a secondary region in which the rocks uniformly lie horizontal. One result of this arrangement is, that the streams in the northern and western parts of the state, are much more gentle and navigable in proportion to their size, than those which pass through the transition and primitive regions.

The Alleghany, Monongahela, and Tioga, are almost without falls or rapids of any kind. So also is the north branch above Tunkhannock, and the west branch until it arrives at Muncy, where a *ripple* marks its introduction into the transition formation. The main river Susquehanna, passing in its whole course through the transition and primitive, presents a succession of ripples and falls, never precipitous, but still producing serious obstructions to the navigation.

The general remarks which we have thus made, seemed necessary to complete our view of the mountains of Pennsylvania, and to prepare the way for the task which we propose for our next, a description of the Great river of our state, the majestic Susquehanna.

#### FUNERAL OF COM. BAINBRIDGE.

The funeral of Commodore Bainbridge, was attended on Monday, July 29th, 1833, with all the ceremony due the worth and high public services of that distinguished naval commander.

The procession commenced moving from the late dwelling of the deceased, about six o'clock, preceded by the volunteer company of Washington Greys, under

the command of Capt. Worrell. A number of seamen attached to the navy, with blue jackets and white trousers, walked in the procession, after these, several of the clergy.

The relations of the deceased and a large number of citizens followed the corpse, which was supported by six naval and military officers, in full uniform. Next followed the officers of such military companies as were not on duty, and an escort, the 128th regiment, under the command of Col. Watmough, concluded the procession, which moved to solemn music from a fine military band, with muffled drums.

The procession moved down Walnut to Fourth, up Fourth to Chesnut, up Chesnut to Fifth, and thence to the place of interment, Christ Church burying-ground, corner of Fifth and Arch streets. The corpse was deposited under a discharge of musketry. Minute guns were fired at the Navy Yard during the procession.—*U. S. Gazette.*

From the Salem (Mass.) Gazette.

#### MEMOIR OF COM. BAINBRIDGE.

Commodore Bainbridge was born at Princeton, New Jersey, on the 7th of May, 1774. At the age of 16, he was placed as an apprentice to the sea service, in the employ of Messrs. Miller and Murray, merchants of Philadelphia. In their employ he made many voyages, and rose to command. At 18 years of age, while mate of the ship Hope, on her way to Holland, the crew rose upon the officers, seized the captain, and had nearly succeeded in throwing him overboard, when young Bainbridge hearing the alarm, ran on deck with an old pistol without a lock, and being assisted with an apprentice boy and an Irish sailor, rescued the captain, seized the ringleaders, and quelled the mutiny. At the age of 19 he received the command of a ship, and from the year 1793 till 1798, he commanded merchant ships in the trade from Philadelphia to Europe. In the year 1796, on his way from Bourdeaux to St. Thomas, in the ship Hope, with four small carriage guns and nine men, he had an engagement with a British schooner of 8 guns and 35 men, commanded by a sailing master in the navy, and after a smart action, compelled her to strike her colors. As, however, the two countries were at peace, and he of course acting only on the defensive, he could not take possession of her, but sent her off contemptuously to make a report of her action.

In the month of July, 1798, he received, without any application on his part, an offer of the command of the U. S. States schooner, Retaliation, of 14 guns, to be employed against France, between which power and the United States hostilities had recently commenced. Having accepted the appointment, he sailed in the Retaliation, and accompanied the squadron under Commodore Murray, on a cruise in the West Indies. While cruising to the windward of Guadaloupe, the Retaliation was captured by two French frigates and a lugger, and taken into that island, where she remained three months. He reached home in February, 1799, and his exchange being soon effected, he received a commission of master commandant, and sailed in the brig Norfolk, of 18 guns, on a second cruise to the West Indies. Here he remained, convoying the trade of the United States, for some months, during which time he captured a French privateer, ran ashore another of sixteen guns, destroyed a number of barges, besides taking many of the enemy's merchant vessels.

When he returned to the United States, he received a captain's commission, and was appointed to the command of the frigate George Washington, in which he shortly afterward sailed for Algiers, with the presents which the United States were by treaty bound to make to that regency. He arrived in safety at Algiers, on the 17th September, 1800, and was received with every demonstration of good feeling. In a few days, however, these friendly appearances vanished, and the Dey



made a most unexpected and extraordinary demand, that the George Washington should carry his ambassador with presents to the Grand Seignor at Constantinople.

Captain Bainbridge resisted this unexampled demand vigorously for some time, till at length, exasperated by opposition, the Dey sent for him and peremptorily demanded that the frigate should go to Constantinople, threatening, in case of refusal, to make slaves of all the Americans in Algiers, to detain the frigate, and send out his cruisers against the defenceless trade of the United States. Moved by the danger to which the persons and commerce of his countrymen were exposed by his refusal, Bainbridge at length consented to receive the Algerine Ambassador.

They sailed from Algiers on the 19th of October, and the frigate anchored at Constantinople in 23 days from her departure. The next day three officers were sent on board in succession to know what ship that was, and what colors she had hoisted. They were told, that it was an American frigate and an American flag. They said they did not know any such country. Captain Bainbridge explained that America was the new world by which name they had some idea of the country. After these inquiries the frigate came into the harbor, and Captain Bainbridge was received with unusual honors. The mission of the Dey of Algiers, however, failed in its objects, and after a month's delay, the George Washington sailed from Constantinople, carrying the Algerine ambassador's secretary back to Algiers, with an account of the unfortunate result of his embassy.

Bainbridge sailed from Algiers about the last of January, and arrived at Philadelphia in the month of April, 1801. Before his return, the cessation of hostilities with France had caused a reduction of the navy, and there were retained only nine captains, of which he had the satisfaction of finding himself one. In the following June, he received the command of the frigate Essex, which was built in this town and presented to government by the merchants of Salem. About this time, the regency of Tripoli, emboldened by the success of the Algerines, commenced hostilities against the United States, to oppose which, a squadron of frigates, among which was the Essex, was sent to the Mediterranean. Here he continued for thirteen or fourteen months, but did not fall in with any of the Tripolitan cruisers.

He returned to New York in July, 1802, and in May, 1803, was appointed to the command of the Philadelphia. In July he sailed in her to join the Mediterranean squadron, then under Com. Preble. He was here employed in blockading the harbor of Tripoli, and, on the 31st October, gave chase to a strange ship that was seen running for the harbor of Tripoli. The chase was unsuccessful, and the Philadelphia was returning, when, as she was going at the rate of six or seven knots, she ran upon rocks about four miles and a half from the town. As soon as she had grounded, the gunboats came out to attack her; but while she continued upright, with the few guns that could be brought to bear, she kept the enemy at a distance; but she soon lay over so much on one side that she could not use her guns. At length, after sustaining the enemy's fire for five or six hours, a council of war of all the officers unanimously advised a surrender. The magazine was therefore drowned; the arms and every article of value thrown overboard; the ship scuttled, the pump choked, and the colors were then hauled down.

The frigate was plundered of every thing that could be got at, when the Tripolitans got on board. They took from Captain Bainbridge his watch and epaulets, and the cravat from his neck; but with much struggling and difficulty he saved the miniature of his wife. The officers and crew, however, were pretty well treated, as prisoners of war, after they were landed in Tripoli. Several attempts were made to escape, but all were un-

successful. The prisoners were often obstinate, uncomplying, and mischievous; yet the Tripolitans who had charge of them were rarely provoked to punish them. They used often to say, that the Americans were the most difficult to manage of any people they had ever seen.

A treaty of peace between the United States and Tripoli was concluded in 1805, and on the third day of June, the prisoners were liberated after a confinement of thirteen months, and soon after sailed for America. Captain Bainbridge was received rather as a returning conqueror than as a vanquished prisoner, and was acquitted of all blame by a court of inquiry held at his request.

From 1806 to 1812, he occupied himself part of the time in merchant service, and the remainder of the time was employed in various naval duties. In 1812, he was appointed to the command of the navy yard at Charlestown; and on the arrival at Boston, of Captain Hull, after his victory over the British frigate *Guerriere*, he having applied for a furlough, Commodore Bainbridge was permitted to take command of the *Constitution*.

"In a few weeks he sailed, in company with the sloop of war *Hornet*, Captain Lawrence, on a cruise to the East Indies. After parting company with Captain Lawrence, he was running down the coast of Brazil, when on Thursday, the 29th of December, he discovered, about nine in the morning, two sail, one of which was standing off shore towards him. He immediately made sail to meet the strange ship, and finding, as he approached her, that she did not answer his private signals, proceeded out to sea in order to separate her from her companion, and draw her off the neutral coast. About one o'clock, having reached what he considered a proper distance from the shore, he hoisted his ensign and pendant, which was answered by English colors, and perceiving that she was an English frigate, (the *Java*, Captain Lambert,) he took in the royals, tacked, and stood for the enemy. The *Java* immediately bore down, intending to rake, which the *Constitution* avoided by wearing. The enemy being now within half a mile to windward, and having hauled down his flag, the *Constitution* fired a gun a head to make him show his colors, and immediately poured in her whole broadside, on which English colors, were hoisted, and the fire returned. On this the action became general, within grape and cannister distance. In a few minutes the wheel of the *Constitution* was shot away; and in about half an hour, Commodore Bainbridge, finding that his adversary still kept too far off, determined to close with him at the risk of being raked. He therefore luffed up so close to the *Java*, that in passing her jib-boom got foul of the *Constitution's* mizen rigging; and having now gained a nearer position, he poured in so well directed a fire, that in ten minutes he shot away the *Java's* jib-boom and part of the bowsprit; in five minutes more the foremast went by the board—her main topmast followed—then the gaff and spanker boom, and lastly, the mizenmast went nearly by the board.

At five minutes past four, one hour and fifty-five minutes from the commencement of the action, the *Java's* fire was completely silenced, and her colors being down Commodore Bainbridge supposed that she had struck; he therefore shot ahead to repair his rigging; but while hove to for that purpose, discovered that her colors were still flying, although her mainmast had just gone by the board. He therefore bore down again upon her, and having got close athwart her bows, was on the point of raking her with a broadside, when she hauled down her colors, being a completely unmanageable wreck, entirely dismasted, without a spar of any kind standing. On boarding her, it was found that Captain Lambert had been mortally wounded, and that the *Java* was so much injured, that it would be impossible to bring her to the United States. All the prisoners and the baggage were therefore brought on board the *Constitution*, a service which it required two days



to perform, there being but a single boat left between the two frigates. On the 31st, she was blown up, and the Constitution put into St. Salvador. The Java carried forty-nine guns, and upwards of four hundred men; she was bound to the East Indies, and had, in addition to her own crew, upwards of one hundred supernumerary officers and seamen, for different ships on the East India station.

"Her loss was sixty killed; and among these was Captain Lambert. Of the wounded, the accounts varied from one hundred and one (which were ascertained positively) to one hundred and seventy.

"On board the Constitution, nine were killed, and twenty-five wounded; among whom was the Commodore himself.

"This victory was scarcely less honorable to Commodore Bainbridge, than the generosity with which he exercised the right of a conqueror. While on board, the prisoners were treated with the most respectful attention. Immediately on their landing at St. Salvador, they were set at liberty on parole, and received every article of their baggage; and particularly, a service of plate belonging to General Hilsop, was carefully preserved and restored to him. These proofs of honorable courtesy were not lost on the prisoners, who expressed their gratitude in a manner creditable to themselves as to the victors.

The decayed state of the Constitution, and other circumstances, combined to interfere with the original plan of the cruise, Commodore Bainbridge now left the Hornet to blockade a superior British force at St. Salvador, and returned to the United States.

This was the only action in which Commodore Bainbridge was engaged during the war. After the peace of 1815, having superintended the building of the Independence 74, he had the honor of waving his flag on board the first line of battle ship belonging to the United States that ever floated. He was ordered to form a junction with Commodore Decatur to cruise against the Barbary Powers, who had shown a disposition to plunder our commerce. In company with his own squadron, he arrived before the harbor of Carthage, where he learned that Commodore Decatur had concluded a peace with the regency of Algiers. He now, according to his instructions, presented himself before Tripoli, where also he learned that Commodore Decatur had anticipated him by a previous visit. He returned to the United States on the 15th November, 1815; was afterwards appointed one of the Navy Commissioners; and resumed the command at the Navy Yard, in Charlestown. His health had been declining some time before his removal to Philadelphia, last autumn, and little or no hope of his recovery was entertained at that time.

## PHILADELPHIA AND COLUMBIA RAIL-WAY.

To the Editor of the Baltimore Gazette.

3d Division Philad. & Col'a. Rail-Way, }  
FAIRMOUNT.

Sir—I have already acknowledged the receipt of your kind favour, and it would have afforded me much gratification, to have been enabled, on the instant, to furnish you the information you requested, as regards the condition and progress of this work.

I have for some time had it in contemplation to give you a minute and detailed account of the past operations, present situation, and prospective advancement of this Rail-Way, and on the very day I had selected for the performance of this agreeable task, instructions were received from the Chief Engineer to have the line of my Division immediately prepared for the reception of the rails, hourly expected from England. The performance of this duty has so entirely occupied my time, that I have hitherto been deprived of this pleasure, and avail myself of the present season of comparative leisure, for the purpose of giving you such in-

formation as you are pleased to tell me will be interesting.

It is most singular that this extensive undertaking, constituting as it does, a most important link in the great chain of intercommunication, connecting the waters of the Delaware with those of the Ohio at Pittsburg, and so near the successful accomplishment of its object, should have created so little interest in our city; and you may possibly be uninformed of the fact, that upon the completion of the Philadelphia and Columbia Rail Way and the Portage across the Alleghany mountains, expected to occur almost simultaneously and by the ensuing summer, there will be an entire, continuous and uninterrupted communication between the cities of Pittsburg and Philadelphia, comprising, however, but a portion of the stupendous system of Internal Improvements undertaken by this enterprising commonwealth, at an expense of millions of dollars drawn from her yeomanry and her people, who will, however, eventually find themselves abundantly remunerated for the pressure and inconvenience of augmented taxes, by the augmentation, security and certainty given to her commerce, her agriculture, and her manufactures, the preservation and diffusion of her wealth and resources, and the consequent secure establishment given to the foundation of their happiness and prosperity.

This rail road, as originally designed, extends from Philadelphia to the town of Columbia, on the Susquehanna river, and terminates at a point about thirteen miles below York Haven, of which we have been accustomed to hear so much in connexion with our Susquehanna Rail Road. The distance between these two places by the Rail Road is  $81\frac{3}{4}$  miles. Following the line of the road from the intersection of Vine and Broad street in Philadelphia for rather more than  $2\frac{1}{2}$  miles, you arrive at the foot of the Schuylkill inclined plane, which is about 50 feet above mean tide, on which level the road runs to this point. This plane is about 2700 feet in length, and its elevation from base to summit is about 180 feet. There is at the western extremity of the road another inclined plane at Columbia. This is near 2000 feet in length, and has an elevation from foot to head of 90 feet. Stationary steam power will of course be resorted to, to overcome these acclivities. The distance from the head of the plane at Philadelphia to the head of that at Columbia, exceeds 77 miles, and in the whole of this distance the elevation will not exceed 30 feet to the mile, a degree of ascent overcome with the utmost facility by the aid of horse power alone, and for the purposes of rail road transportation almost equivalent to a level. The average ascent, however, does much exceed 25 feet to the mile.

The road is entirely graded, the cuttings and embankments generally slight. The highest point on the line is at "The Gap," about 30 miles from Columbia. The excavation through a ledge at this gap, may be said to be the only one of any consequence on the whole line of the work, and even this sinks into comparative unimportance in extent, though not in embarrassments and difficulties, when contrasted with the stupendous rocks thorough cuts of the Baltimore and Ohio Rail Road, the dizzy height of its embankments, and the imposing appearance of its celebrated "deep cut." Difficulties of a most disheartening nature have been interposed at this point, and the necessity of an abandonment of the cut, and a resort to the inconvenience of the inclined plane to effect its passage, have been constantly threatened.

These difficulties, however, have been vigorously encountered and very nearly subdued by an excellent and efficient Chief Engineer, Edward F. Gay, Esq. to whose science, skill and energy the state is already much indebted for many valuable improvements and practical benefits in the line of his profession. The soil through which this cut makes its way is an alluvial formation, amorphous in the character of its masses, though consisting principally of sand and loam. Innu-



merable springs have made their appearance since the excavation, in the bottom of the cut, sometimes pouring in streams through the pass. The banks, though indulged with a most liberal slope, are constantly settling and filling in, and you but remove one mass of fallen bank to give place to another, awaiting its removal. In many places its depth cannot be fathomed; extensive quick sands project over the surface of the water collected from countless streams flowing in its bed, and present a deceitful appearance of security and solidity. Description can convey no adequate idea of the appalling difficulties here presented. By heavy piling and flooring of massive timbers, and a slight increase in the angle of ascent, they have so far succeeded in their conflict with these formidable impediments as to leave but little doubt that they will be completely removed by the period of the completion of the rest of the line, and that nothing here will interfere to procrastinate an uninterrupted communication between the Schuylkill and the Susquehanna, when the other portions of the road shall have been brought to their termination. This cut is about 32 feet deep. The bed of the road here is 560 feet above mean tide, 300 feet above the head of the plane at Schuylkill, and 200 above that at Columbia.

Much judgment has been evinced in the location of the road, and its facilities for keeping within the limits of the angle of ascent, which experience has prescribed as a maximum for effective operations, without a resort to extensive excavations and embankments, are not to be met with on any similar work of the same extent yet projected. The grading is unsurpassed in excellence. The excavations have generally been faithfully executed, and the embankments present an unusual appearance of compactness and solidity. Nearly four years have passed away since the grading commenced, and that lapse has effected much in the consolidation of the banks, and contributed greatly to their present peculiar adaptation to the support of the stone blocks, without fear of settling and derangement. Thick matted blue grass of vigorous and exuberant growth has in many places extensively covered the slopes, preserving and protecting them from the ruinous effects of heavy rains and washes, of such frequent occurrence upon new formed embankments, and so highly prejudicial to their stability and permanence. The herd grass has also been sown upon the embankments, and their slopes, to attain this desirable end. This, however, has but partially succeeded, as the rains have generally washed the seed to the bottom of the road, and the result has been by no means satisfactory. There is, however, one peculiarity incident to Limestone regions, which has on some sections of the road greatly interrupted the regularity of its formation. They are the "sinks" occasioned by the settling of the internal arches sustaining the bed of the road, and the draining of water through their fissures, leaving a passage for the loose earth of the bed to find its way to the caverns and hollows below. There is no formation so faithless and insecure as the Limestone, and in some parts of the Union Canal extensive flooring of timber for miles has been resorted to, to retain the water, the fissures in the limestone bed affording innumerable and abundant channels to the unexplored and insatiable cavities beneath, exhausting the most copious supplies that can be obtained for the purposes of its navigation.

This road has been located with a peculiar view to its adaptation to steam power for the purposes of transportation, and the shortest radius of curvature occurring any where on the lines is about 650 feet, being 6 deg. of curvature in a chord of 66 feet, and this most desirable end has been attained, as I have already mentioned, with but slight cuttings and fillings. When you reflect that the minimum of admissible radius of curvature on the Baltimore and Ohio Rail Road is fixed at 395 feet, or 14 deg. 30 sec. of curvature in a chord of 100 feet, you will at once perceive the great advantage

possessed on this work in the facility of turning its curves and the freedom of action a locomotive would exert in its progress over them. To counteract the centrifugal force the outer rail of the curves is to be elevated in the same manner as on the Baltimore Road; this elevation, of course, dependant upon the radius of curvature.

The country through which the road winds its way is unsurpassed in interest and beauty. The whole line of the rail road, and the Lancaster turnpike pursuing the same course, and alternately crossing each other, is for many miles richly studded with magnificent and imposing mansions, delightful villas, substantial farm houses and capacious barns and granaries, and for twenty miles presents to the enraptured gaze the appearance of one extensive and continuous village, the abode of health, industry and content, the home of the happy the virtuous and the frugal. But few towns of any consequence are passed in its route. Many streams, creeks and rivulets are traversed by it, but you meet with no such splendid specimens of Masonry as on the Baltimore road. Their passage is generally effected by means of wooden structures, of the most substantial description, designed tastefully, placed judiciously in their mechanical execution, remarkable for their neatness, and well calculated for durability and security. The Schuylkill, however, is crossed by a splendid viaduct of stone 980 feet long. Of this I cannot speak from personal observation, but understand that it will constitute a lasting specimen of architectural beauty, and magnificent effect.

The most remarkable structures of timber are over the great and little Conestoga, near Lancaster. The one is 1400 feet in length, and 34 in breadth, resting on ten piers—the other is about 1000 feet long. They are entirely completed. The road passes directly through the city of Lancaster, and from thence to its point of destination, Columbia, on the Susquehanna. Columbia is a thriving and flourishing town, with about 2,500 inhabitants. An immense business is here transacted in flour, grain, lumber, coal, and other produce, and the approaching completion of this great work has given an enlivening and gratifying impetus to their commercial transactions. All is life, and animation, bustle and excitement; property is on the rise, comfortable and convenient tenements of brick and wood are springing up in all directions, giving to its townsmen a gratifying foretaste of the countless advantages which will accrue to them in the completion of the work which is designed as the great thoroughfare of the vast commerce of the west, and which will make their thriving borough the depot of transshipments from the Ohio and Lake Erie. The whole line from Philadelphia to Columbia has been placed in the hands of skillful and energetic contractors, bound by the terms of their engagements, to complete the first track by the first of December, and the second by the first of July next. The line has been subdivided, and laid out for contract in sections of two miles each, so as to ensure, by a division of labour and responsibility, the completion of the whole within the time specified in the contracts, should no unforeseen delays occur in the delivery of the rails, an abundant supply of which is constantly expected.

From Philadelphia westward, 22 miles of the road are completed and in constant use. At about this distance the Pennsylvania Rail Road, as this is frequently called, "par excellence," receives in the South Valley Hill, two miles west of Paoli, the West Chester Rail Road. This road commences at the flourishing borough of West Chester, containing about 2,000 inhabitants. The distance from that place to its intersection with the Pennsylvania Road is about ten miles. This road is the result of individual enterprise, having been constructed by a company at an expense of \$100,000, and the public spirited projectors have as yet seen no reason to regret this appropriation of their funds, and the entire completion of this great work will give an animating



impetus to its transactions. It consists as yet of a single track, built after the manner of a portion of the road on which I last assisted, being laid on sleepers of white oak or chesnut, with pine string pieces secured in them with wedges and protected at the upper surface with the flat rail of wrought iron.

On the portion of the Pennsylvania or Philadelphia and Columbia Rail Way, now in operation, different methods of construction have been adopted. Part of it is constructed after the manner of that portion of the Baltimore and Ohio Rail Road, between Ellicott's and Sykesville, consisting of continuous stone sills placed longitudinally in trenches excavated for their reception, embedded, backed up and levelled in broken stone, compactly and firmly mauled. The inner edge of these sills is dressed for the reception of the rail, which is the flat rail, fastened after the manner of the Baltimore and Ohio Road, and champered off to suit the flange of the wheels. Another portion is constructed principally after the method of the wood work of the Baltimore and Ohio Road, and in one or two instances by the same contractors and workmen. These methods are both to be abandoned in the continuation of the work, and that which is to be hereafter uniformly adopted, and has already been extensively so for miles of the part in use, consists of malleable iron edge rails laid upon stone blocks, and at intervals on locust sills, secured to them with cast iron chas, wedges and spikes.

The blocks are so arranged as to have at each 15 feet lineal or transverse locust sill or tie, to secure the line in proper position, and prevent spreading or derangement. Trenches are excavated under the line of the rails. Stone broken in such a manner that no particle shall exceed a cube of two inches is compactly rammed therein with a heavy maul. The stone blocks are then placed in them; these are of sandstone, granite, or granular limestone, 22 inches in length, 16 wide and one foot deep. The upper surface of these blocks is dressed smooth for the reception of the chair; and holes are drilled therein for the reception of pins of locust or cedar, into which iron bolts are driven to secure the chair to the block. The blocks are arranged and adjusted at intervals of three feet. The trenches are then filled around these blocks and compactly rammed as before. Under the transverse sills or ties above mentioned trenches are cut and filled with broken stone. The edge rail, such as is used on the Liverpool and Manchester Rail Road, is then adjusted and keyed to the chairs secured as mentioned, with substantial iron bolts, to the blocks, and the road is then in readiness to receive the locomotive and cars, and in order for the operations for which it was designed and executed. On new formed embankments, the old being nearly as solid as the cuttings, the stone blocks and broken stone are dispensed with, and white oak or chesnut cross-sills are substituted, which, together with the locust ties, rest upon longitudinal timbers, placed in the trenches under each line of rail. These timbers are notched in the upper surface to receive the cross-sills at intervals of three feet, which are to be secured to them at each point of contact by locust pins, one inch in diameter and one foot long.

The whole line is under the direction of Edward F. Gay, Esq., he is a gentleman of much experience in his profession and untiring industry in the prosecution of it. His name and reputation are identified with some of Pennsylvania's noblest improvements, and he is taking a high stand in an honorable and useful profession. The original estimated cost of this work was \$2,297,120 being about \$28,173 per mile. From some departure, however, from the designed method of construction, the amount expended will, upon its completion, much exceed this amount, and it would not be hazarding much to say that the final cost of the 83½ miles between Philadelphia and Columbia, will reach \$3,000,000.

From Columbia the Pennsylvania Canal up the Susquehanna to its point of junction with the Juniata, a distance of 42 miles, is completed, in fine order and daily use. Here commences the Juniata division of the Pennsylvania Canal. You must remember I am following the line of communication between Philadelphia and Pittsburgh. From the junction of the Susquehanna and Juniata rivers, the Pennsylvania Canal pursues its course westwardly for 128 miles, following the valley of the Juniata to Hollidaysburg, where it joins the Alleghany Portage Rail Road. This rail road, which is nearly completed, extends from Hollidaysburg across the Alleghany mountains to Johnstown—its length is 36 miles. The summit of the mountain is about 1400 feet above the Canal basin at the eastern base, and about 1200 feet above that at the western extremity, where it again joins the Pennsylvania Canal, and 2,338 feet above the tide water of the Delaware.

Following then this western division of the Canal for 107 miles, you arrive at Pittsburg, making the entire distance between Philadelphia and that place, by Canal and Rail Road, about 394 miles. This rail way I have already mentioned is under contract to be completed by the first of July next, and the Rail Road across the Alleghany will be completed much before that time. The rest of the line, consisting of Canal and some little slack water navigation, is fully completed, and in fine navigable order, awaiting but the opening of these two works to form one entire and uninterrupted communication between the waters of the Ohio and the Delaware.

I must now conclude; I feel that I have been tedious, but you will remember you have asked for a detailed description, and you must take the consequences. I could not do less than comply with the request of one from whom I have received so many acts of kindness, and if I have trespassed too far upon your patience, I find my justification in my anxiety to place you in possession of all the minute information I possess on the subject, and my inability to condense it in a short and comprehensive epistle.

I am, very respectfully,  
Your obt's serv't.

BENJAMIN F. WEST.

#### THE DAM ABOVE GREAT ISLAND.

The location of this Dam has occasioned considerable excitement. Some entertained an opinion that the canal commissioners were acting without authority in directing the construction of a feeder dam higher than six feet above low water mark. Application was made to the Governor. He having no control over the subject, required a suspension until the matter was re-considered. Proceedings were suspended, and subsequently re-considered, and the former decision confirmed, with some alteration securing the navigation. The work being placed under contract, the superintendent's accounts were presented to the Auditor General. That officer, with a view of deciding upon the legal right of the commissioners to erect a dam of the length proposed, referred the subject to the Attorney General, whose able and interesting opinion will be found below.

Reporter.

HARRISBURG, Monday Morning. }  
August 5th, 1833. }

DANIEL STURGEON, Esq., Auditor General.

Sir:—I have the honor to acknowledge the receipt of your communication of Saturday, relative to the erection of the Dam in the West Branch of the Susquehanna, near Bald Eagle creek, and to transmit the following, as the best judgment I have been able to form upon the questions therein contained. Entertaining but little confidence in the expediency of erecting high dams in the Susquehanna, where they can be dispensed with, and having deeply sympathized, during the last session of the Legislature, with a large portion of constituents



who had suffered extensive injury from this source, I frankly confess, that I entered upon the consideration of the questions proposed with a disposition by no means favorable to the structure in question, if found to be without the sanction of the laws. But if the laws do not condemn it, the case itself suggests an admonition against applying any authority or influence which might be thought due to the opinion of the LAW OFFICER of the commonwealth, to a purpose of mere expediency not within the duties of a LEGAL ADVISER.

In accordance with your suggestion, I have referred to the proceedings of the Board of Canal Commissioners on the subject, and find, page 1064 of their journal, under date of the 12th of April last, the following entry:—

“Mr. Mitchell submitted for the consideration of the Board, the following resolutions.

“Resolved, That the principal engineer on the upper portion of the Lycoming line of the West Branch division be directed to locate and construct a Dam and a Sluice in the river above the Great Island, at or near the head of a small island nearly opposite to Dr. Henderson's brick house in Lycoming county, FOR THE PURPOSE OF SUPPLYING THE SAID CANAL WITH WATER.

“Resolved, That the superintendent on the West Branch division, be directed to immediately advertise for proposals for the construction of a feeder dam and sluice in the river, and guard lock in the canal above the Great Island, on the plans and scites submitted and pointed out by the Principal Engineer on the line, and enter into four contracts for the completion of the same—say one for the construction of the *mound*, one for the wier part of the dam—one for the sluice and one for the guard lock. Plans and specifications of the work to be exhibited in his office five days previous to the day of letting.”

“And on the question will the Board agree to the said resolutions, the yeas and nays were required and are as follows.

“The yeas were Mr. Mitchell, and Mr. White, 2.

“Nay, Mr. Clarke, President, 1.

“So the question was determined in the affirmative.”

In the foregoing proceedings there is nothing said about *forming a connexion with Bald Eagle*—the work authorized by the preceding resolutions would form no such connexion when completed—the advertisement of the superintendant, in pursuance of the resolutions, was for proposals for erecting a *feeder dam*—the contract herewith produced is for a *feeder dam*—the specification which accompanies the contract is confined entirely to the construction of the *feeder dam*—and the resolution which authorizes the construction of the dam, at the place designated, expressly states that it is “*for the purpose of supplying the canal with water.*” As the canal commissioners have not been convicted of official misconduct in a court of justice, or before the legislature, it seems reasonable to allow them the benefit of the rule which entitles them, in common with the humblest in society, to be presumed innocent until proved guilty. For the present, then, it seems but just to presume, in the absence of evidence to the contrary, that they have made a *true* record of their proceedings as they were required by law, and bound by their oaths to do, that the dam is a *feeder dam*, and that it is as stated on their journal, “*for the purpose of supplying the canal with water.*” If this be so, the only question arising, is, whether the canal commissioners are prohibited from erecting a *feeder dam*—a dam “*for the purpose of supplying the canal with water*” at the place where they have directed the one in question to be constructed. I take this to be the only question, because if they erect a *feeder dam*, at the place proposed, it must be of the height contracted for—otherwise it will not throw the water into the canal. On this question I have no doubt. The canal commissioners have an express authority, not only to construct the canal,

but all “other works necessary thereto.” Independent of this express provision the authority to construct feeders and feeder dams would be implied—the power to construct canals carrying with it the incidental power to construct all “other works necessary thereto.” There is nothing in any act of assembly limiting this authority, either in the *place* of location, or the *height* of the dams. These, in the construction of dams, to *supply the canal with water*, are left to the discretion of the canal commissioners. In making it the duty of the commissioners to complete as soon as practicable, “according to the *route* heretofore determined upon and approved,” “the Lycoming line of the West Branch Division of the *Pennsylvania Canal*, including the Lewisburg cross cut,” the act of 16th February, 1833, only intended to confine them to the “*route*” of the “*canal*” itself, as originally authorized by law, and not to such “other works necessary thereto,” as originally depended and continued to depend upon the judgment of the canal commissioners. The bridges, and culverts, the feeders, &c. still remained under the control of the commissioners, to be altered, modified, or dispensed with, as circumstances might justify. There is nothing in this act which requires them to continue the existence of a *feeder*, extending four miles and fifty-six perches above Bald Eagle, and beyond the highest point of extension prescribed by law for the Lycoming line of the canal. Granting, for the sake of the argument, that the last section of the act last named, in prohibiting any “*extension*” of the “*lines*” of “*canal*” or “*rail road*,” “beyond their present limits, as designated in the report of the canal commissioners of the 1st November, 1832,” forbids the *extension* of a *feeder*, as well as of the *line* of the *canal*, still it is clear that it does not prohibit the commissioners from *diminishing* the length of a *feeder*, which they, on further examination, find to be unnecessarily long; nor are they forbidden to dispense with such *feeder* altogether, if the line of the canal can be constructed to better advantage without it. Upon this part of the case, I gave Mr. Mitchell an opinion on the 1st of April last, from which I see no reason to depart. Thus far, we have seen nothing, in the whole proceeding which appears to have any relation whatever to the proposed *connexion with Bald Eagle*. Thus far, then, there is nothing to bring the dam in question within the purview of the third section of the act of 27th March, 1833, relative to forming that connexion, and limiting the height of the dam to be constructed *for that purpose*.

By the third section of the act last referred to, it is provided “that in forming the connexion of the Lycoming line of the Pennsylvania canal with the Bald Eagle creek, as authorized by law, the canal commissioners may effect a connexion above the Great Island, if in their judgment it will combine utility with economy. Provided that the said alteration shall not cost more than the estimated amount of making the connexion with the mouth of Bald Eagle creek, as provided for by existing laws. And provided further that said alteration shall not be effected by raising the dam to a greater height than six feet above low water mark.” “*The dam*” here spoken of was not any dam which the *Legislature* had directed to be made for the purpose of forming the connexion. The mode of forming the connexion was left to the discretion of the canal commissioners. A connexion of the kind might be found without a dam, but, from considerations of a local nature, it was taken for granted that the one in question would be formed by means of a dam. There is nothing in this section, or in any other act of assembly, which enjoins it upon the commissioners to erect a dam for the purpose of forming this connexion. The proper construction of the last proviso in this section is, that if the alteration be effected, *by raising a dam for the purpose*, no dam shall, *for that purpose*, be raised to a greater height than six feet above low water mark. The alteration proposed was not so important in the eyes of



the Legislature as *supplying the canal with water*. For the latter purpose, they gave a power co-extensive with the object in view, for the former they gave only a limited authority. Under this view of the subject, it became a question for the consideration of the commissioners which of two plans was most conducive to the public interest, "combining utility with economy:"—The erection of a dam not exceeding six feet above low water mark, below the feeder dam; or the construction of a cross cut from Bald Eagle into the river above the feeder dam. It appears by the journal of the canal commissioners, page 1068, that the report of James D. Harris, Esq. engineer, containing estimates of the expense of various plans of forming the connexion, was laid before the board. By this report it appears that a connexion below the great Island by means of a dam would cost \$63,173 94—that a connexion above the Great Island by means of a low dam would cost \$62,646 65—and that a connexion above the Great Island, by means of a dam in the Bald Eagle, and a cross cut into the pool of the feeder dam, would cost exclusive of a towing path bridge, \$26,885 55, making a difference in favor of a low dam above the Great Island of \$527 29, and a still more important difference of \$36,288 39, in favor of dispensing with a dam altogether, by making a cross cut into the pool of the dam already directed to be constructed "*for the purpose of supplying the main canal with water*." The commissioners adopted the latter plan, as appears by the following entry on pages 1068—9 of their journal, and under date of the 12th of April aforesaid.

"On motion, the following preamble and resolution were then unanimously adopted.

"Whereas, by the act of 27th March, 1833, the canal commissioners are authorized to effect a connexion of the Lycoming line of the Pennsylvania canal with the Bald Eagle creek above the Great Island, if in their opinion it will combine utility with economy—and provided that said connexion shall not cost more than the estimated amount of making the connexion with the mouth of Bald Eagle creek. And whereas, by the estimate of the Principal Engineer on the line dated 6th day of April, inst. it appears that the cost of connecting with the mouth of Bald Eagle creek, is \$63,173 94, and the cost of connecting with the said creek above the Great Island without a towing path bridge is \$26,885 55—and the canal commissioners being of opinion that the connexion above the Great Island will, in the words of the law, combine utility with economy. Therefore, Resolved, that the superintendent of the West Branch division, be directed to immediately advertise for proposals for the construction of a canal with the necessary works thereto attached, to connect the Lycoming line of the Pennsylvania canal with the Bald Eagle creek, agreeably to the location and plans which are hereby adopted, made by the Principal Engineer on the line, and extending from the river near Dr. Henderson's house, to Murdock's ripples, on the Bald Eagle creek. Plans of specifications of the work to be exhibited at his office five days previous to the day of letting."

This preamble and resolution appears to be a separate act, having no connexion with the resolution for constructing the feeder dam, adopted at a different time, although on the same day, acted upon after intervening business, appearing in the journal four pages apart from the first resolution, and adopted unanimously by the board, while the first was carried by a *majority only*. Taking it for what it thus appears to be, I see nothing in the measure which is forbidden by the law. Every thing on the face of these official acts appears to be in accordance with the law, if the acts are viewed separately as they appear upon the journal.

But, taking the two acts together, we find that there is an alteration in the place of forming the connexion, and that a dam is to be constructed above the Great Island, *higher than six feet above low water mark*. If the dam was directed to be constructed for the mere pur-

pose of forming the proposed connexion, and the commissioners, the better to disguise their object and evade the proviso in the law limiting the height of the dam, have merely changed its name, giving it the empty "*cognomen*" of a "*feeder dam*" when in truth it is a *connexion dam*, the whole proceedings would without doubt be a criminal violation of the law. The illegality, if it exist at all, consists more in the *motives* than in the *acts* of the commissioners. If they have violated the law, in the premises, the violation consists in the application of a power given to them for one purpose to the accomplishment of another object for which they have no authority so extensive. It is like the alleged unconstitutionality of the tariff laws. The opponents of the protective system admit that congress may lay duties for *revenue*, but they deny the power of that body to lay duties for the purpose of *protecting domestic industry*. Congress pass an act appearing on its face to be for the purpose of revenue, but arranged in all its details, in such a manner as to accomplish the supposed unauthorized object of protection. Admitting their authority to be thus limited, the violation would consist in the concealed motives of the members—in the improper application of a lawful power to an object over which they have no such power. In cases of this kind, where the violation depends upon the secret purposes of the persons exercising the authority, it is not competent for the courts to pronounce the act void for want of authority. Nor is it competent for the Auditor General to reject the vouchers offered by the superintendent, in the present case, for want of proper motives in the commissioners who have directed the expenditure, because there is no want of authority here. They have kept within the limits of their powers. If there is any thing wrong it is in the abuse of an authority unquestionably confided to them, and not in any attempt to exercise a power not confided. Whenever any officer, authorized to disburse the money of the state, transcends his authority, the public must look to the Auditor General to guard their finances, and to arrest the expenditure. But where the law has entrusted a discretionary authority, over a particular subject, to a certain body of men, so long as they keep within the limits of the power confided, the Auditor General can administer no relief against its improper exercise. It is not his duty to arraign their motives and to treat their acts as void, on the ground of a supposed abuse of a reposed authority. Drawing their authority from the same source with the Auditor General, they must answer for all abuses to the common superior—the representatives of the people. If the canal commissioners have changed the location of the feeder dam for the purpose of evading the law relative to the Bald Eagle connexion, I know of no remedy in the Accountant Department. If an officer execute a writ, issued in pursuance of a judgment appearing on the record to be within the jurisdiction of the tribunal rendering the judgment, it is a justification to him, notwithstanding the court may have abused its authority, or may have had in view the accomplishment of improper or rather proper but unauthorized objects. So if the superintendent have disbursed the public money, in pursuance of directions from the superior agents of the commonwealth, and those directions appear, upon their face, to be within the scope of the authority confided to his superiors, it is a justification to the former, notwithstanding the latter may have had an unauthorized object in view in giving those directions. It is only where the authority of the superior is transcended that the inferior is justified in refusing obedience, not where it is misapplied or abused.

To avoid all delay I have thrown these views hastily together in language loose and imperfect. I have full confidence however in the construction attempted to be enforced. Although a separate answer to each point is not given in the order in which they were presented, still an answer to each will be found in some portion of what I have said. In order that I might be



better understood, I may have gone further than required. If so, I rely upon your kind indulgence, for the unintentional trespass upon your attention.

Very respectfully, yours, &c.

ELLIS LEWIS.

#### PROCEEDINGS OF THE BOROUGH TOWN COUNCIL OF READING.

Thursday, August 6, 1833.

Council met at the Court House, pursuant to notice from the President. Present Messrs. Jackson, (Pres.) Boas, Keim, Eckert, Kendall, Koch, and Arnold.

A petition was presented praying Council to grant the petitioners permission to build a culvert or bridge in the hollow in North Queen street, of certain dimensions therein stated, at their own expense, Council to furnish the stone, which was unanimously granted.

The committee that was appointed to inquire into the expediency of altering the names of some of the streets, report as follows, viz.

As the naming of the streets of the borough of Reading, occurred previous to the Revolution of 1776, and are deemed incompatible with the republican simplicity of our present form of government, your committee therefore suggest the following alterations as being more in conformity with the spirit of the times in which we live, and to the free institutions it is our happiness to sustain, viz.

The street running immediately on the bank of the river Schuylkill, to be called

Bridge street,	Water Street.
Treat “	Front do.
King “	Second do.
Queen “	Third do.
Callowhill	Fourth do.
Prince	Fifth do.
Duke	Sixth do.
Earl	Seventh do.
Clement	Eighth do.
Lord	Ninth do.
Vigour	Tenth do.
	Eleventh do.

#### STREETS RUNNING EAST AND WEST.

Centre street to be called	Penn Street.
Thomas “	Washington do.
Richard “	Franklin do.
Hamilton	Chesnut do.
Margaret	Walnut do.

Whereupon it was unanimously, Resolved, That the above names of the streets be adopted.

Mr. Keim was appointed to have indexes at the corners of the streets altered so as to agree with their present names. Adjourned.

Attest—

DAVID MEDARY,  
Town Clerk.

**LIGHTNING.**—On Tuesday afternoon, about six o'clock, during a heavy shower of rain, the Lightning struck the steeple of the German Reformed Church in this borough, and injured it so considerably that it is thought to be necessary to take down the wood work and re-build it. The lightning is supposed to have descended the rod or spire of the steeple, as a portion of the weather boarding at the top was burst off. In the square where the bells are hung much damage was done to the Venetian windows, one of which was knocked out, and large pieces of weather-boarding were torn off, as well as several pillars, one of which fell on the roof and broke a hole through it. In the balustrade around the terrace, many of the balusters were broken off, and shattered into splinters. From the steeple the fluid descended to the church, and tore away part of the shingles and scorched the cornice on the north east corner of the building. The bricks in the gable end at the east side of the church, are fractured and split, one of the large beams across the building one

foot by eight inches in size, was severed through and a part of the plaistering of the ceiling was broken off. The wood in several places was scorched and blackened by the heat, but no fire was discovered by those who entered the building immediately after the occurrence of the accident. It is stated that the lightning issued from a cloud directly on the west of the church, and that it passed over the steeple of the Lutheran church, which stands within a hundred yards of the building struck, and which is considerably higher than the latter, though not yet completed. There was no lightning rod.—*Reading paper of August 10th.*

**COUNT.**—The Court of Quarter Sessions of this county assembled on Monday last. A considerable amount of business was transacted on the first three days of the week. The Grand Jury was discharged on Wednesday morning, and also the petit jury with the exception of a single pannel detained for the trial of an issue appointed for Thursday. No indictments were preferred for offences above the degree of Larceny, a circumstance which speaks well for the moral condition of a population exceeding fifty thousand souls. The President in his charge to the Grand Jury, adverted again to the expediency of some improvements in the county Prison, by which the benefits of the modern penitentiary system might be extended to this county.—*Id.*

#### STONE COAL.

WELLSBOROUGH, Pa. July 13.

A coal bed has recently been discovered on Wilson creek, about seven miles south of this place, which bids fair to be of great value. Openings have been, and are now making, in several places in the mountain, and a considerable quantity of coal has been thrown out, specimens of which have been shown us. The quality of this coal is the same as that of the Blossburg mines, and as the location is precisely on the same parallel and but about twelve miles west of these, there is no doubt but it is a continuation of the same strata. The thickness of one stratum has been ascertained to be five feet, of pure coal, corresponding with that of one of the Blossburg veins.

That our county abounds in mineral wealth, there is now not a remaining doubt; all that is wanting is sufficient enterprize among the inhabitants to open a road to market; and from the exertions that have been made by some individuals within the last few years, we think the time cannot be far distant, when this most desirable object will be accomplished. The Tioga rail road will, when completed, open a direct communication with the mines at Blossburg; and the country presents the greatest facilities for either a rail road or canal, to the newly discovered beds on Wilson creek, to lead either north or south; these beds being situated but one mile from the summit level of the ridge dividing the waters of the north and west branches of the Susquehanna.—*Phenix.*

ELIZABETHTOWN, Pa. July 16.

**A HEROINE.**—An old maiden lady named Witman, of Montjoy township, near this borough, in the 80th year of her age, did, a few days ago, mow and make an acre of heavy grass into hay. Well may the county of Lancaster be denominated the garden of America—when her fair daughters are able and willing, at such an age, to undergo such industry.—*Oliver Branch.*

COLUMBIA, July 27.

**THE WEATHER.**—There has been some excessively warm weather since our last. On Saturday the thermometer stood at 88° in the shade; on Sunday at 86; on Monday at 93; on Tuesday at 87; and on Wednesday it was as high as 94. This latter is said to have been the warmest day experienced in Columbia for ten years past, as tested by a thermometer which has hung in the same place for that time.

We learn that the heat of Wednesday proved fatal to



two of the stage horses employed on the pike between Lancaster and Philadelphia.

On Thursday we had rain in abundance, since when the air has been cool and agreeable.—*Spy*.

From the Uniontown Democrat.

#### FAYETTE SPRINGS,

Situated in the Mountains, on the east side of the Laurel Hill, in Fayette county, Pennsylvania, eight miles east from Uniontown, and about one third of a mile from the great National Road.

The water of this spring has been analyzed, and found to possess qualities highly medicinal. Its location is in a deep glen, and the surrounding scenery is grand and picturesque—nature's wildness, just sufficiently modified by cultivation to relieve the monotony.

The mountain air is of that pure, bracing kind that comes upon the care and disease worn frame, like a fountain in the desert to the fainting wanderer,—a very seasonable and effectual relief.

The hotels near the spring, Wiggins' & Downer's, are of the best class, very capacious and well furnished. Their tables are well supplied,—if not with the enervating luxuries of the city, with mountain luxuries; just the kind that please the palate, while they impart health and vigor to the system. Every desirable accommodation is enjoyed, and on very reasonable terms.

The National road is now being put in fine order. Three lines of stages run upon it, passing the hotels, from the east and the west, four or five times every day.

If curiosity prompts the visitor he can, at two miles distance from the spring, view the grave of Braddock, and trace the road by which his army marched to their field of death. At a further distance of one mile, he can trace, in a meadow of the Mount Washington farm, the lines of Fort Necessity, where the youthful valor and prudence of our country's father gave the earnest of his future glorious success.

A few miles north east of the spring, by a delightful mountain ride, the admirer of nature's works may be gratified with a view of the "Ohio Pyle Falls" of the Youghiogheny river,—a very imposing sight.

Sporting propensities can be indulged by a great variety of game, from the fox to the pheasant. Abundance of the trout exist in the runs and creeks in the vicinity,—the catching of which is "capital sport;" the gust of eating them is known only in the act; pen and ink cannot describe it.

In short, taking together the spring—the air—the hotels—the conveniences of arrival and departure—the objects of curiosity and admiration—the game and its attendant amusements, few places of summer resort, if any, so strongly invite a visit and a few weeks stay as does the Fayette Spring. If the female, enervated by the parched and foul air of the city or town, wishes to regain her healthful glow and pulse, let her visit the Fayette Spring. If the man of business, seeks a respite from anxiety, and desires to re-possession that vigor of nerve and fulness of muscle, of which care and exertion have deprived him,—let him repair for a few weeks to the Fayette Spring in the mountains, where care and the pestilence may not reach him.

Several families and individuals from Pittsburg, Wheeling, Greensburg, Uniontown, and elsewhere have already been in attendance, and all concur in the representations here given, and have determined to make the "Fayette Spring" a stated summer resort. Other visitors are daily expected.

#### A VISITOR.

July 26th, 1833.

To the Editor of the Miners' Journal.

Dear Sir—It occurs to me that a communication of the following incident may be of value in this section of country, where the Rattlesnake is perhaps more fre-

quently met with than any portion of the United States, as densely settled or as contiguous to the sea-board.

As a party of assistants engaged under my direction in the location of the Philipsburg Rail Road were occupied, a few days since in protracted at their encampment, information was given that an axe-man attached to the party had been bitten by a rattle-snake. One of the assistants, Mr. Henry Hopkins, of Massachusetts, immediately hastened to the spot, and applied his lips to the wound, sucking it for some time, and as long as it appeared to him that the treatment could be of any service. The hand and arm of the man nevertheless swelled excessively; but in the course of a day or two the swelling went down, and neither the assistant or the man have since experienced the slightest inconvenience. The case seems to be a very conclusive one in favor of the efficacy of such treatment, where an individual happens to be at hand sufficiently resolute to administer it, as the snake had been previously very much irritated, and the wound in the hand was a deep one. It is scarcely worth while to mention that the assistant took the precaution, after resigning his patients hand, of giving to his own mouth the benefit of a pretty thorough ablation.

Respectfully your ob't. servant,

MONCURE ROBINSON.

Schuylkill co. Pa. August 8, 1833.

From the United States Gazette.

Mr. Chandler.—In looking over some private papers, I discovered the following account of the dimensions of the articles on Christ Church Steeple, if it will be any gratification to your readers, it is at your service, it was taken at the time when the steeple was undergoing some improvements, March 28th, 1826.

Yours, &c.

W. H. D.

Length of the Vane 7 feet 4½ inches, width 2 feet 4½ inches.

Height of the Cap 2 feet 4½ inches, width at the bottom 1 foot 2¾ inches.

Circumference of the large ball 7 feet 7 inches, diameter 2 feet 6 2-3 inches.

Do. of the small balls 1 foot 10½ inches, diameter 7 2-3 inches.

Distance from one ball to the other 3 feet 5½ inches.

The following is written on the Cap:

The right reverend William White, D. D. consecrated first Bishop of the Episcopal Church of Pennsylvania, February 4th, 1787.

From Poulson's American Daily Advertiser.

The corner stone of the Commissioner's Hall of Moyamensing, near Ninth and Christian streets, was laid on the 6th August, amid a concourse of respectable inhabitants and citizens from the adjoining district. The usual records containing the names of the officers of the building and the district, &c., were read by the President of the Board of Commissioners, and deposited within the foundation.

The ceremony was interesting and impressive, and after it was concluded, the assembled citizens, in consequence of the unfavorable state of the weather, adjourned to the long room at the New Lebanon House, where, by the appointment of the Commissioners, an address was delivered by Henry Helmuth, Esq., their Clerk and Solicitor.

UNITED STATES MAIL.—*Olden Times*.—On the 20th of May, 1788, the Post Master General was directed to cause the mail to be regularly transported between the city of Philadelphia and the town of Pittsburg, once a fortnight, by the way of Lancaster, Yorktown, Carlisle, Chambersburg and Bedford.

There are now, we believe, four daily mails between Philadelphia and Pittsburg—three through this place, and one through York and Gettysburg.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## WILLIAM PENN.

The following remarks form a portion of a review of a work published in London in 1827, entitled "The History of the Rise and Progress of the United States of North America, till the British Revolution in 1688; by James Grahame, Esq." They are extracted from the "American Quarterly Review of December 1832:" and are in reply, as the reviewer observes, to "a concession" made by Mr. Grahame, "of the merits of Penn in terms too much qualified, and with insinuations, which imply unwarrantable selfishness and injustice."

"The origin of Pennsylvania points directly to the honour of its founder. Wo to the man of letters, who would substitute indiscriminate eulogy for reflection, and degrade the art of writing into a traffic of flattery! But we may praise the dead; we may praise the excellent: we may vindicate the memory of those who led the van of honourable action in the establishment of our country, and in the contest for tolerance and virtue.

It has been objected to Penn, that he was subservient to the court of a despotic sovereign; but he was ever the intrepid defender of freedom of conscience: he did his utmost, for example, to promote the election of Algernon Sydney to parliament: and he strenuously resisted the encroachments of the Duke of York upon the rights of the colonists of New Jersey.

It is made a cause of censure, that Penn joined with the other proprietaries of East Jersey in surrendering the jurisdiction of that province to the king; but when it is considered, in how many hands the jurisdiction was vested, what singular disputes had arisen, what transfers and assignments had been made of proprietary property in New Jersey, it does not seem reasonable to ascribe the surrender to pusillanimity, when it may have been essential to the safety of the colony. A numerous partnership, a landed aristocracy, a close corporation of proprietaries, seem the least favourable sovereignty that can be imagined. And there remained no choice but to imitate the democracies of New England, (which would have been impossible,) or to give up to the crown the jurisdiction of the territory. The example of Carolina proves that a proprietary government, in the hands of a company, was the worst form established in America.

It is said that Penn did not show horror enough at the execution of Cornish and others; and condemned the conduct of James in terms too moderate. "The king is greatly to be pitied for the evil counsels that hurry him to the effusion of blood." And was he not greatly to be pitied? The expression of Penn implies that the measures of cruelty were alike wicked and unwise. We find nothing in his remark to justify cavilling. And what if it be true, that Jeffreys, after the revolution, attempted to excuse himself, by declaring that the court had desired greater severities, and "had snubbed him for being too merciful?" Is the testimony of Jeffreys, the culprit, in self-justification, and after his own overthrow and imprisonment—is such testimony to be believed?

The reservation of quit-rents is charged upon Penn, as being inconsistent with his lofty design of making "a holy experiment, and setting an example to the nations." It is said, he should have avoided mingling the care for his private estate with his purpose as a founder of a colony. It is true that Penn designed to promote his own fortunes while he secured an asylum for the persecuted. He spent money lavishly, and he expected returns. Was it not just and proper that he should? He exposed himself to no reproach, unless he exacted unreasonable terms. But that he could not well have done; since his lands were in competition with a continent. In reserving a quit-rent he erred on the score of prudence: when the United States sold lands in the west on credit, they created a body of debtors, united and having a common interest to defeat or diminish the claim of the creditor; in like manner, the purchasers of Penn were almost unanimously aggrieved by the stipulation into which they had entered: and an unwise contract furnished a perpetual source of jarring and discord. It may be, there was in the case an error of judgment; whether there was a blameable covetousness, or on which side the covetousness existed, depends not upon the fact of a reservation of quit-rents, but upon the whole view of the bargain between the proprietary and the purchasers.

Again: it is said, that Penn advocated the perpetuity of bad laws, by "his general anathema against all resistance to constituted authority." In the first place, we answer, Penn did not deal in anathemas: and in the next place, he did not denounce *all* resistance; quite the reverse; he denounced resistance by force of arms, but he favoured passive resistance to injustice. The Quaker doctrine is often a wise one. It is no idle phantom, but a principle, capable of disconcerting the strongest government that ever ventured upon the commission of wrong. Will you have an example? Look at Ireland at this moment; where a British parliament and a Reform ministry cannot collect the tithes. The policy of O'Connell is a true Quaker policy; he offers no resistance, but quietly omits to pay tithes for the support of a church to which he does not belong; and if we read rightly the signs of the times, he will in the issue gain the victory. He will have "refused to suffer bad laws," will have refused successfully, and all without resistance.

But it is charged upon Penn, that he coveted the lands of Lord Baltimore. We are not on this head disposed to quarrel with the decision of the Lord Chancellor Hardwicke; and since the tribunals of England, wholly disinterested, refused to give a literal enforcement of the claims of Lord Baltimore, there is hardly room for treasuring up an accusation against the memory of Penn. Be it, that he was "very intent on his own interest in these parts;" that is to his honour, if he respected justice. "I would not be thus importunate," says he, "but to serve a province; because the thing insisted on was more than ninety-nine times more valuable to me than to him; to me, the head; to him, the tail." Now it is distorting the plain meaning of Penn, to say, that he here claims the territory in dispute, on the ground of his needing it. He is but offering an excuse for his inflexibility in maintaining what he defends as his right by other arguments.



Nor do the divisions, which subsequently took place between Penn and the colonists, furnish any argument against the merits of the former. For it is to be observed, that the emigrants had formed cabals and parties among themselves, before they complained of the proprietary. And Penn still had the magnanimity to call them "one of the best people." The changes which took place in the form of government, were in the main, improvements. They chiefly resolve themselves into two; a concession to the popular branch of the right of introducing bills, a right which at first had belonged to the council; and on the other hand, a reservation of a veto to the governor. It was natural that some portion of the colonists should view any change with alarm. That vague dissatisfaction which belongs to human life and human affairs, assumed the form of complaining of Penn, as though he had designed to diminish the liberties of the colony. Is there any ground whatever for the complaint? The proprietary administration was essentially a bad one; Penn is not responsible for those evils, which lay in the very nature of the organization, which had enabled him to accomplish so much good. When the Assembly of Pennsylvania transmitted to him a remonstrance about quit-rents, and alleged that by his *artifices* the several charters granted at the first settling of the colony had been defeated, it is evident, that the payment of the quit-rents was the main grievance, for he that candidly examines the changes in the charters, the tenor of them, and the manner in which they were made, must acquit Penn of all unwarrantable interference, and all disposition to check the growth of the liberties of the State.

We might finally notice the attack upon Penn, in consequence of his advising King James to practice tolerance. It is contended, that for the king to have allowed liberty of conscience was an act of encroaching power; that it was tyranny and usurpation in a British king to have favoured liberty of conscience; and that Penn was no better than guilty of treasonable designs in attempting to procure the release of more than a thousand, who had been imprisoned for the sin of being Quakers. As we write, we call to mind the splendid speech of Burke at Bristol, perhaps the noblest which he ever uttered, where he was compelled to make his apology to the English nation for having taken a part in repealing a bill of atrocious severity against the Roman Catholics. The same men who censured Burke, complain of Penn, as the advocate of tolerance. He should have seen, say they, that tolerance meant Popery. He should have snuffed the idolatry of Rome in the breeze. In the same spirit, Chalmers derides the Quakers for emigrating, inasmuch as they "suffered more from what they dreaded than from what they felt!" We have before us the copy of the Political Annals which once belonged to the celebrated Ebeling; the honest chronicler makes upon this passage a wise annotation: "*Than what they felt:* to be whipped, imprisoned, nay to be burnt alive, certainly may be felt!" And most men will agree with the learned commentator, and will hesitate before they condemn Penn for striving to stem the vehemence of public fury and the delirium of fanatic hatred.

Even at this moment, while we are writing, many citizens of a large and most respectable commonwealth are engaged in commemorating the one hundred and fiftieth anniversary of the landing of William Penn at New Castle; they are communing together upon his virtues, and drawing from the recesses of history, the memorials of his life and policy.

The first effort of Penn in colonial legislation was effected in West New Jersey. A small knot of emigrant husbandmen established themselves there under his auspices; and in the spirit of philanthropy and justice, agreed upon the assertion of civil and religious liberty as the basis of their government. *No men on earth*, say they, *have power to rule over men's consciences in matters of religion.* They introduced voting by ballot,

universal suffrage, and universal eligibility to office; they abolished imprisonment for debt; they punished falsehood with the forfeiture of denizenship; they granted no taxes but for a year. "We lay," said Penn, "a foundation for after ages to understand their liberty as men and as Christians; that they may not be brought into bondage but by their own consent, for we put the power in the people." These were remarkable words for a period which saw Charles II. upon the English throne, and the Duke of York the heir apparent and personal friend of the writer. The economy of the colony was also as exemplary as the features of its constitution were liberal. Two hundred pounds a year were enough to defray all public expenses; the members of the Assembly received no more than a shilling a day for their services during the session; and that only for the sake of reminding them that they were the hirelings of the people. The country was esteemed the poor man's paradise; or rather poverty was unknown in all its borders. The pleasant villages on the eastern side of the Delaware, welcomed the virtuous exile with a homely but cordial hospitality; and there was so little of "human nature" in these adventurers, that they were unequivocally and magnanimously tolerant, when all the rest of the human family was engaged in religious persecutions.

But not satisfied with planting West Jersey, Penn, fortunately for mankind, persevered in his entreaties in England, till at length he wrested from a voluptuous despot, the broad domain of Pennsylvania. It was then that his character was put to the test, for he was made sole proprietor of the territory of the commonwealth, with ample and almost irresponsible supremacy. It was then that he stood forth in the eye of the world and of all ages as a legislator; unrestrained by ancient usage; untrammelled by the influence of established abuses; having free course for the exercise of all his mind, and the display of his principles.

Penn was at that time in the vigour of manhood. He was well informed, if not learned. His early years had the benefit of a careful education; he had subsequently travelled over many parts of Europe; he had lived in an age of revolutions, so that his own experience and the recollections of those around him were full of variety and interest; a king dethroned and executed; the ancient parliament reformed; the new parliament abolished; the stern tyranny of the protectorate; the libertine despotism of the reformation; these were the occurrences with which his years were conversant; the wrecks of the feudal system were floating on the stream of time before his eyes; the constitutions and the practical administration of the most cultivated European countries were familiar to him; the voice of antiquity had reached him in the quiet of studious seclusion. Above all; besides these opportunities of acquiring the knowledge which he needed, he had confidence in himself; and he had also had a just consciousness of his high responsibility as the founder of a State. "As my understanding," he remarks, "and my inclination have been much directed to observe and reprove mischiefs in government, so it is now put in my power to settle one. For the matters of liberty and privilege I purpose that which is extraordinary; and leave myself and successors no power of doing mischief, that the will of one man may not hinder the good of a whole country. A government is free to the people under it, when the laws rule and the people are a party to those laws." And in this view, in an age when despotism was on the advance, he determined, according to his own sublime expressions, *to set an example to the nations*; adding, there may be room in America, though not in Europe, for such a holy experiment.

Need we dwell on the liberal features of his constitution? Or the wisdom and humanity of his laws? How admirable his regulations to encourage industry, to protect commerce, to improve the discipline of prisons: to establish the absolute equality of all religious



sects by the strongest guaranties of constitutional law.

This is the great glory that makes the name of Penn conspicuous on the pages of universal history, and marks him out for one among the few, to whom immortal honour will be paid through all succeeding generations: he was the first who *successfully* established the unqualified spirit of religious liberty in America. He does not indeed deserve the honor of having originated the design; but he was the first who succeeded in practice. It had already been attempted by a Roman Catholic nobleman in Maryland; but the views of Lord Baltimore were subverted by the bitter and ambitious intolerance of the Protestants, whom his own moderation had freely admitted into his settlements. The same object had again been attempted by a Protestant English philosopher, whom Providence had called forth to legislate for Carolina; but then the bigotry of the lords proprietaries occasioned the greatest abuses, and in spite of the catholicism of Locke, the settlers were harassed by previous invasions of their stipulated liberties. What Locke and Baltimore had failed to accomplish, Penn was enabled to perfect. He and the people of his colony were true to that charity which rested upon justice, and gave the promise of peaceful abundance.

But let us hear the language of Penn himself.

"We must give the liberty we ask: and we cannot be false to our principles, though to relieve ourselves." And again—

"We should have none suffer for a truly sober and conscientious dissent on any hand." And in his admirable letter to Tillotson,

"I abhor two principles in religion, and pity those that own them. The first is obedience upon authority without conviction: and the other, the destroying them that differ from me for God's sake. Such a religion is without judgment, though not without teeth."

And whence could Penn have directed his philanthropic and truly Christian liberality? From the University of Oxford, to which he resorted for his education?—He had been indignantly expelled from it for non-conformity.—From the venerable bishops of England?—They had caused him imprisonment in the Tower of London for his liberality, and had threatened to make his prison his grave.—From the relics of the partizans of Cromwell?—His was bitter fanaticism, which alone dared to oppose that usurper.—From the restorers of the monarchy?—Let history tell its tale of the political profligacy of Monk, and the inflexible bigotry of Clarendon.—From the voluptuous court of Charles II?—Sunk in the excesses of grotesque ribaldry, it fluctuated between the caprices of superstition and the grossness of sensuality.—From his travels abroad? Holland could imprison Grotius for Arminianism, and France exile a million of its best inhabitants for the crime of being Protestants.—Whence then could the lawgiver of Pennsylvania have derived his candour and his charity? He asked counsel of truth and justice; he closed his eyes alike to the visions of metaphysical theories and the intolerance of existing governments. His judgment was not dazzled by the splendour of European hierarchies; nor was his imagination overpowered by the Utopias and El Dorados of ingenious speculation. He interrogated nature on the rights of man, without dictating her reply.

Mankind will never forget to do him honor. But his noblest monument is found in the results of his legislation. Emigrants from half the world have felt the attraction of the system which he established; and the mass of incongruous elements, Puritans and Prelates, Cavaliers and Roundheads, Catholics and Quakers, Methodists and Baptists, Heretics and Orthodox, have all been brought together by the benignant influence of religious liberty, and all have been harmonized and united into one civil community under its majestic influence. The Delaware river used to gain the most ready admiration; but Penn would often boast of his

possessing the Schuylkill, because it stretched so far into the interior, and might one day be a channel of internal commerce. What would he say, if he could now return to earth and behold the territory which he cherished? He would see the Delaware united with the Hudson, and with the waters of New York harbour; the Schuylkill and the Susquehanna, both feeding canals along their banks, and both united; the heights of the Alleghenies conquered by a rail road, that is to bear the burdens of commerce with rapidity and security, by the side of the precipices and the mountain waterfalls; and finally, to the west of the Apalachian chain, he would observe the busy activity of steamboats, and the immense rafts of floating forests upon rivers which in his day murmured through the secret places of the wilderness without a name. He had pitched for his city upon a site, which seemed to him favourable beyond that of any town which he had ever seen. He describes with delight, the lofty banks covered with stately pines; the broad plain stretching away from river to river, and offering ample room, not for dwellings and warehouses only, but also for gardens and orchards. What if he could now behold those gardens covered with stately buildings, the streets extending from stream to stream; and the falls of the Schuylkill, diffusing by the aid of simple machinery, the blessings of pure water in abundance to every corner of the city, that is happy in its general prosperity, and tranquil from the force of public sentiment and the effusion of public virtue?

The consideration of the great results which have been accomplished in the short space of one hundred and fifty years, is full of solemn admonition to the living generation, which is necessarily the guardian, to hold in trust for coming ages, the wisdom, the comfort, and the liberties which have been accumulated by the past. The fathers were emigrants; were still subject to a foreign jurisdiction; were few in number; and were summoned to contend with the savage strength of unsubdued nature. We stand upon vantage ground.—Can virtue be developed only in the contest with adversity? And will patriotism be endangered by the brilliancy of our prosperity?

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Thursday Evening, Aug. 8, 1833.

### SELECT COUNCIL.

In the absence of Mr. Ingersoll, Mr. Groves was elected President *pro tem*.

Mr. Neff presented a communication respecting the Delaware Avenue, signed by Jacob Ridgway and Geo. Blight, Chairman and Secretary of a meeting on that subject. It was referred to the committee on Delaware Avenue.

A memorial was presented, signed by sundry inhabitants, respecting certain unfinished improvements in the paving of Filbert street, and requesting the attention of Councils to the same. It was read and referred to the Paving Committee.

A memorial from the Board of Health respecting nuisances in the neighbourhood of Logan Square, was received and referred to the committee on that Square, with power to act.

The following communication from Nicholas Biddle, Esq. was received and read.

Board of Trustees of the }  
Girard College for Orphans. }

To the Select and Common Councils of the City of Philadelphia.

Gentlemen,—I perform a melancholy duty in announcing to you the death of our respected colleague, John C. Stocker, Esq. According to the Ordinance establishing the Board of Trustees for the Girard College, it will devolve upon your honorable bodies to sup-



ply the vacancy occasioned by this event—and I therefore take the earliest opportunity of communicating it to you officially.

I have the honour to add, that I am,

With great respect, yours,

N. BIDDLE, President.

August 8th, 1833.

On motion of Mr. Lippincott, it was resolved and carried, that the Select and Common Councils meet forthwith, and proceed to the election of a Trustee to fill the vacancy in the Board, occasioned by the death of John C. Stocker, Esq. This was not concurred in, by the Common Council, and Thursday evening next, the 15th inst. was fixed upon by both bodies, for a special meeting on the subject.

The following resolution, from the Common Council, was received and adopted:

Resolved, by the Select and Common Councils, That the City Commissioners be instructed to collect forthwith all the arrearages of rent due from the tenants occupying the Drawbridge lot, and notify such of said tenants as may be deemed necessary to remove therefrom, according to law.

#### COMMON COUNCIL.

The Chair presented a communication, signed John M. Ogden, tendering to Councils, on behalf of the Commissioners of the district of Spring Garden, a copy of the laws and ordinances of that district.

The Chair presented a communication from the Board of Health, complaining that nuisances to a great extent exist on Logan Squares and a public lot, north of the Permanent Bridge, with a request that Councils would take order to remove the same. Referred to the Committee on Logan and Penn Square, with power to act, and instruction to report at the next meeting.

The Chair presented the following communication from the City Commissioners, which was referred to the Committee of Ways and Means.

The City Commissioners respectfully state to Councils, that by order of the Committee for improving the City Property, at and near Chesnut street wharf, on Schuylkill, they have passed bills from the first of January last to this date, amounting \$22,643 22. Bills were in like manner passed by the late Commissioners for the same object, which amounted on the 31st December last, to \$5,941 93, as appears by the printed state of their accounts for 1832. The aggregate expended for the wharf and buildings is \$28,545 15, which has been charged to Appropriation, No. 14, for repairing and improving City Property for 1832 and 1833. No appropriation has been made by Councils for these expenditures, which have occasioned an overdraft of Appropriation, No. 14, for 1833, of \$15,094 10.

By order of the City Commissioners,

ROBERT H. SMITH, City Clerk.

Mr. McMullen presented a petition praying that Schuylkill Seventh street, between Market and Arch, may be paved. Referred to the Paving Committee.

Mr. McMullen, presented a communication from owners of property on the Delaware river, praying that the action of Councils on the Ordinance relating to Delaware Avenue, may be suspended for the present.

Mr. Chandler, presented a memorial from Samuel Guss, the occupier of a house and lot, on the north side of Market street, west of the Permanent Bridge, stating he has been deprived of the use of a portion of his premises, in consequence of an entry made therein by the West Philadelphia Canal Company, and praying Councils to take the subject in hand. Referred to a joint committee of both Councils, consisting of Messrs. Chandler, Maitland, Wetherill and Lippincott.

Mr. Byerly presented a communication from sundry

stage owners, praying that Crown street may be made a stand for a Manayunk line of stages. Referred to the Market Committee.

Mr. Byerly presented a petition praying for the laying of flag stones across South Alley. Referred to Paving Committee with power to act.

Mr. Byerly presented a communication from Thomas Desilver, offering to Councils the remainder of his edition of the "Devises made to the City." Laid on the table.

Mr. Smith, from the Paving Committee, reported a resolution directing the paving of Haines street, which was adopted. Select Council concurred.

On motion of Mr. Borie, a resolution was adopted, directing the Mayor to draw his warrant on the City Treasurer, in favor of Lydia R. Bailey, for the sum of \$1209 12, the amount of her bill for printing, presented at the last meeting of Councils; in which resolution the Select Council concurred.

An Ordinance authorising the laying of a pipe from the cellar of the premises at the S. W. corner of Second and Dock streets to the public sewer, was read a third time and passed. The Ordinance was also adopted by the Common Council.

Thursday Evening, Aug. 15th, 1833.

#### SELECT COUNCIL.

A message was received from the Common Council, announcing the readiness of that body to proceed, in joint ballot with the Select Council, to the election of a Trustee for the Girard College for Orphans, in the place of John C. Stocker, deceased.

Mr. Wetherill from the committee to whom was referred Mr. J. Marshall's petition, respecting certain property, presented the following report.

The committee to whom was referred the petition of Joseph Marshall, praying that certain property be released from the operation of a judgment held by the city on Franklin legacy, report:

That Joseph Marshall and George Read are the sureties on the bond of David Donaldson in the penal sum 520 dollars, conditioned for the payment of \$331 50 in annual instalments—but one of these instalments has become due, and that was paid at maturity. The committee have reason to believe that Mr. Marshall has sufficient property to cover the amount of his bond after the release of that prayed for in his petition. The committee, accordingly, passed the following resolution, which has been executed.

Resolved, That the Mayor be requested to affix the city seal to an instrument releasing the property of Joseph Marshall, described in the within petition.

Mr. Wetherill offered a report from the committee to whom was referred a petition for changing the name of South alley,—declining to alter the same, and begging leave to be discharged from a further consideration of the subject,—which was adopted.

Mr. Wetherill also offered the following memorial from the owners and occupiers of Wharf property on the river Delaware, within the limits of the city, which was referred to the committee on the Delaware Avenue.

#### MEMORIAL.

To the Select and Common Councils of the city of Philadelphia.

The memorial of the subscribers, owners and occupiers of wharf property on the river Delaware, within the limits of the city of Philadelphia, respectfully sheweth—

That having learned, that a bill has been reported by a committee of your honourable bodies, entitled "An Ordinance for laying out a passage or street from Vine to Cedar street, to be called the Delaware Avenue,"



accompanied by a plan and description of the same, made under your authority by Samuel Hains, City Surveyor, they feel themselves bound by a sense of duty to themselves as well as to the public, to remonstrate most earnestly against the passage of this measure, fraught as it is with consequences vitally injurious not only to your memorialists, but to the best interests of the city of Philadelphia, and they beg leave briefly to offer their reasons for so doing.

The city of Philadelphia was laid out by the proprietary in the year 1683, on "a neck of land between two navigable rivers, Delaware and Schuylkill; whereby it had two fronts on the water, each a mile, and two from river to river."

By the original plan, the front streets on each river were to be the eastern and western boundaries of the lots intended to be granted; and in the year 1684, the proprietary declared in relation to the bank of the river Delaware: "The bank is top common from end to end: The rest, next the water, belongs to front lot men no more than back lot men: The way bounds them; they may build stairs; and the top of the bank a common exchange or walk, and against the street common wharfs may be built freely;—but into the water, and the shore is no purchasers."

The necessities, and perhaps the policy of William Penn soon changed this original plan, and we accordingly find him immediately afterwards, granting lots east of Delaware sixty foot front street to various individuals upon certain terms which are described in their respective patents. Some regulation relative to these and future grants of the same part of the city became necessary, and accordingly on the 26th day of the second month (April) Anno Domini 1690 the commissioners of property executed an instrument entitled "Regulation of the Bank of the River Delaware," the original of which is now in the possession of the city.

By this regulation, the proprietors of bank lots, who had been formerly restricted by the terms of their patents, were allowed to build as high as they please above the top of said bank, "because, the more their improvements are, the greater will the proprietor's benefit be," and certain regulations were prescribed with regard to lots already purchased and thereafter to be purchased, of which your memorialists beg leave to cite one or two, which they conceive to be material to the present inquiry.

"First, that all the said persons who have already got, or shall hereafter, any bank lots, shall regularly leave thirty foot of ground in the clear, for a cartway under and along the said whole bank, and in convenient time shall make the same to be a common and public cartway for all persons, by day and by night forever hereafter; and that whoever shall be willing to have cellar stairs or steps up into their houses, shall leave convenient room to make the same upon their own ground, without making any encroachment upon the said way, the narrowness thereof will not admit of any such incumbrance thereupon; and if any person or persons shall unadvisedly build to the utmost extent of their bounds, such shall expect no other convenience neither for cellar stairs nor steps, than what they can make within their own houses, and if any person or persons shall not wharf out and make the said thirty foot cartway, the person or persons that shall happen to be next unto and to join upon such, shall and may make the said cartway for the general service, and the said person or persons so neglecting shall pay the said whole charge thereof to the person that shall make the same. And these commissioners have unanimously agreed that the said thirty foot cartway shall run upon one stretch or course from one public street to another, as near as may be." Then followed the regulation relative to the public stairs and passages to be left open from Delaware Front street, to the river between each public street, and leaving it at the option of the purchasers "to make and leave, or not to make and leave any stairs, passage,

or ground for stairs or passage in their respective bank lots," and then this instrument prescribed, "Fifthly, that the bank lots from the east side of Delaware sixty foot Front street, to the west side of the thirty foot cartway, from the public landing place at the south end of the town to Walnut street, shall be thirty foot deep, and from Walnut street to the northernmost side of Samuel Carpenter's public stairs, shall also be thirty foot deep, and from the said northernmost side of Samuel Carpenter's public stairs, beginning at the said thirty foot, with a bevil line to Chesnut street shall be forty-five foot deep, and from Chesnut street to Vine street, beginning at the said forty-five foot with a bevil line to New street, shall be eighty foot deep, and from New street to the south side of Benjn. Chambers, his lot, shall be eighty foot deep."

This is the only original document which establishes the public cartway which is now called Water street, and which thus became the most eastern street on the Delaware front.

By the original charter of the city of Philadelphia, which bears date the 25th October 1701, William Penn erected the "town and borough of Philadelphia into a city; which said city shall extend the limits and bounds as it is laid out between Delaware and Schuylkill." He then says:

"And I do for me, my heirs and assigns, grant and ordain, that the streets of the said city shall forever continue as they are now laid out and regulated; and that the end of each street extending into the river Delaware shall be and continue free, for the use and service of the said city, and the inhabitants thereof, who may improve the same for the best advantage of the city, and build wharves so far out into the river there, as the mayor, aldermen, and common council, hereinafter mentioned, shall see meet."

After various grants and regulations he proceeds: "And I do for me, my heirs and assigns, by virtue of the king's letters patent, make, erect and constitute the said city of Philadelphia to be a port or harbour for discharging and unloading of goods and merchandizes out of ships, boats, and other vessels; and for lading and shipping them in or upon such and so many places, keys and wharves, there as by the mayor, aldermen, and common council of the said city, shall from time to time, be thought most expedient for the accommodation and service of the officers of the customs, in the management of the king's affairs and preservation of his duties, as well as for convenience of trade."

"And I do ordain and declare, that the said port or harbour shall be called the port of Philadelphia, and shall extend and be accounted to extend into all such creeks, rivers and places within this province, and shall have so many wharves, keys, landing places, as members belonging thereto, for landing and shipping of goods, as the said mayor, aldermen, and common council for the time being, with the approbation of the chief officer or officers of the king's customs, shall from time to time think fit to appoint."

The corporation erected by this charter was dissolved at the time of the revolution, but was re-established by the "Act to incorporate the City of Philadelphia," passed the 11th March, 1789.

By the second section of this act, it is enacted, "that the inhabitants of the city of Philadelphia, as the same extends and is laid out between the rivers Delaware and Schuylkill, be, and they, and their successors forever are hereby constituted a corporation and body politic, in fact and in law, by the name and style of—"The mayor, aldermen, and citizens of Philadelphia"—with the usual corporate powers; and they were invested by this act with all the rights of the late corporation known by the name of "The mayor and commonalty of Philadelphia, in the province of Pennsylvania."

By the act entitled "An act to establish a Board of Wardens for the Port of Philadelphia, and for the



regulation of pilots and pilotages, and for other purposes therein mentioned," passed 29th March, 1803, and the supplement thereto, passed 7th February, 1818, the regulation of wharves to be thereafter erected beyond low water mark of the river Delaware, was transferred to the board of wardens of the port of Philadelphia.

By the twelfth section of the act of the 29th March, 1803, it is enacted, "If any person shall erect, make, or fix, or cause to be erected, made or fixed, on any wharf within the city of Philadelphia, any building, inclosure or other obstruction, whereby a free passage over and along the same shall be impeded or prevented, every such person shall forfeit and pay for every such offence, any sum not exceeding one hundred dollars, to be recovered in the same manner and for the same uses, as is directed in and by the thirty-sixth section of this act, and the said wardens shall cause such building, inclosure or obstruction, to be abated or removed, if the owner or occupier of any such wharf shall neglect or refuse to abate or remove the same, on three days notice from the said board of wardens; provided always nevertheless, that nothing herein before contained shall be taken or construed in any wise to prevent any such owner or occupier from depositing, during a reasonable time, on any such wharf, goods, wares, and merchandize, unladen from or about to be shipped on board of any ship or vessel, or for the purpose of being stored—always allowing a sufficient passage for carts, wagons, and drays, nor in any wise to hinder any person otherwise entitled so to do, from erecting any building or inclosure on any part of such wharf lying to the westward of low water mark, or tide-way of the river Delaware."

And by the act of the 25th March, 1805, the authority of the board of wardens was extended "to the river Schuylkill, from the lower falls thereof to its junction with the river Delaware."

Upon the twelfth section of the act of 29th March, 1803, a judicial construction has been placed by the able and learned President of the Court of Common Pleas of this District, in a suit brought by the master warden against an occupier of wharf property, to recover the penalty for obstructing the passage over it. "The proprietor of land bordering on the river Delaware," says Judge King, "has a right to build to low water mark in any and every way that he chooses. He may erect to that limit, buildings of any height. The jurisdiction of the wardens begins at low water mark, and has nothing to do with ground to the westward of it. If, therefore, the obstructions and wharf of the defendant be to the west of low water mark, the plaintiff cannot recover."

"There is another point in which I think the plaintiff has totally failed. He has not brought his case within the act of Assembly in regard to the obstructions proved to have been placed upon the wharf by the defendant. The obstructions as proved are not within the meaning of the act. I think the obstructions contemplated by the law must be permanent, something made or fixed, as buildings, &c. They must not be merely casual, occasional, or temporary, such as arise, for instance, from throwing out anchors, dirt, or matters of that kind; so that whether the wharf of defendant be above or below low water mark, as the plaintiff has failed in proving the obstructions contemplated by the act of Assembly, your verdict must be for the defendant." And the jury accordingly found a verdict for the defendant.

Agreeably to the laws and usages of the commonwealth, your memorialists have become the owners or occupiers of this species of property, most valuable in itself, and the preservation and improvement of which they consider vitally important to the commercial prosperity of the city of Philadelphia.

On the 16th February, 1830, Stephen Girard, "merchant and mariner," and an owner of very valuable and

highly improved wharf property on the Delaware, made his will, by which he devised and bequeathed to "The Mayor, Aldermen, and Citizens of Philadelphia," nearly the whole of his immense estate, for purposes which do honour both to his heart and head.

Amongst other dispositions of the residue of his estate so given to the said corporation, he made the following.

"XXII. And as to the further sum of five hundred thousand dollars, part of the residue of my personal estate, in trust to invest the same securely, and to keep the same so invested, and to apply the income to the following purposes: that is to say—

"1. To lay out, regulate, curb, light and pave a passage or street, on the east part of the city of Philadelphia, fronting the river Delaware, not less than twenty-one feet wide, and to be called *Delaware Avenue*, extending from South or Cedar street, all along the east part of Water street squares, and the west side of the logs, which form the heads of the docks, or thereabouts—and to this intent to obtain such acts of Assembly, and to make such purchases or agreements, as will enable the Mayor, Aldermen, and Citizens of Philadelphia, to remove or pull down all the buildings, fences, and obstructions, which may be in the way, and to prohibit all buildings, fences, or erections of any kind, to the eastward of said Avenue; to fill up the heads of such of the docks as may not afford sufficient room for the said street; to compel the owners of wharves to keep them clean and covered completely with gravel or other hard materials, and to be so levelled that water will not remain thereon after a shower of rain; to completely clean and keep clean all the docks within the limits of the city fronting on the Delaware; and to pull down all platforms carried out from the east part of the city over the river Delaware on piles and pillars.

"2. To pull down and remove all wooden buildings, and 'to prohibit the erection of any such building within the said city's limits at any future time.'

"3. To regulate, widen, pave and curb Water street, and to distribute the Schuylkill water therein upon a plan therein stated.

"By all which improvements," says the testator, "it is my intention to place and maintain the section of the city above referred to, in a condition which will correspond better with the general cleanliness and appearance of the whole city, and be more consistent with the safety, health, and comfort of the citizens. And my mind and will are, that all the income, interest, and dividends, of the said capital sum of five hundred thousand dollars, shall be yearly, and every year, expended upon the said objects, in the order in which I have stated them, as closely as possible, and upon no other objects until those enumerated shall have been attained, and when those objects shall have been accomplished, I authorize and direct the said The Mayor, Aldermen, and Citizens, to apply such part of the income of the said capital sum of five hundred thousand dollars, as they may think proper to the further improvement, from time to time, of the eastern or Delaware front of the city."

The testator then gives three hundred thousand dollars to the commonwealth of Pennsylvania, for the purpose of internal improvement by canal navigation, to be paid into the state treasury by his executors, "as soon as such laws shall have been enacted by the constituted authorities of the said commonwealth as shall be necessary, and amply sufficient to carry into effect, or to enable the constituted authorities of the city of Philadelphia to carry into effect the several improvements above specified; namely, 1. Laws to cause Delaware Avenue, as above described, to be made, paved, curbed, and lighted; to cause the buildings, fences, and other obstructions now existing to be abated and removed, and to prohibit the erection of any such obstructions to the eastward of said Delaware Avenue. 2. Laws to cause all wooden buildings as above de-



scribed to be removed, and to prohibit their future erection within the limits of the city of Philadelphia. 3. Laws providing for the gradual widening, regulating, paving, and curbing Water street, as herein before described, and also for the repairing the middle alleys, and introducing the Schuylkill water and pumps as before specified—all which objects may, I persuade myself, be accomplished on principles at once just in relation to individuals, and highly beneficial to the public."

On the 24th March, 1832, at the request of the corporation of the city of Philadelphia, and in conformity with a bill furnished by them, an act was passed by the Legislature of Pennsylvania, entitled "An act to enable the Mayor, Aldermen, and Citizens of Philadelphia, to carry into effect certain improvements, and execute certain trusts."

This act provides, among other things, for the laying out, regulating, curbing, lighting, and paving Delaware Avenue, by the Mayor, Aldermen, and Citizens of Philadelphia; and having laid it out, directs a record of the same to be made in the Court of Quarter Sessions for the county of Philadelphia, and makes it lawful for the said Mayor, Aldermen, and Citizens of Philadelphia, "*to proceed from time to time to open, for public use, any part or parts thereof, and the same to keep open as common and public highways for ever.*" And also provides for the assessment and payment of damages incurred by reason of such appropriations of this property to the public use.

The proposed ordinance is framed under this law, and fixes the width of the Delaware Avenue at twenty-six feet; and by the second section it is declared, "*That the Delaware Avenue, as laid out by the first section of this ordinance be, and the same is hereby opened as a common and public highway, and that it shall be the duty of the attorney and the solicitor for the corporation, to make or cause to be made, a record of the same in the Court of Quarter Sessions of the County of Philadelphia accordingly.*"

Your memorialists, firmly believing that this act of the Legislature, in declaring this passage when opened to be a common and public highway, and the ordinance now before Councils, enforcing this provision, are in direct violation of the will of the testator, and will not only defeat his plain intention, but vitally injure the commercial prosperity of Philadelphia, and most materially reduce, if not destroy the value of the wharf property on the Delaware front, and that the western line of said avenue, as proposed, will unnecessarily take down several very valuable buildings, and amongst others, cut off the eastern front of the new stores of the testator; and also that the width of twenty-six feet was never designed by Stephen Girard, and is not required by public convenience—do most respectfully but earnestly remonstrate against the passage of this ordinance, and against all proceedings under the said act of Assembly, that will in any way appropriate the property of your memorialists for the purposes of a public highway.

Your memorialists beg leave, however, to be distinctly understood as approving entirely what they conceive to be the intention of that wise man in relation to the Delaware Front, and also to state that they will cheerfully lend their aid to the constituted authorities of the city in carrying the same into full and complete effect.

From the small rise of the tide at Philadelphia, an extension of the wharves below the low water mark was absolutely necessary for the purposes of commerce, and as it was entirely out of the power of the proprietary or the commonwealth, or of the city, to build wharves along the whole city front themselves, even had they possessed the right so to do, we find that every encouragement was held out to the private owners of property on the Delaware to extend their wharves into the river, and to build them in a substantial manner. This has occasioned a great expenditure of private ca-

pital, and has conduced much to the prosperity of this metropolis, and will enable the corporation of the city at a comparatively small expense to effect the real purpose of the testator, and to that branch of the subject your memorialists will most respectfully call the attention of Councils.

Stephen Girard was a merchant and an owner of wharf property, admirably acquainted with his own interests and those of his neighbours, and, as his will proves, with those of the community at large. In stating his plans, he says, "all which objects may, I persuade myself, be accomplished on principles at once just in relation to individuals and highly beneficial to the public," and these principles are to be steadily kept in view in construing his testament.

The difficulties that existed on the Delaware, were that in some squares there was not a continuous passage along the wharves, nor a sufficient width between some of the stores and the wharves or docks, and the heads of some of the docks were entirely uncovered at low water—all these difficulties were to be found to a great extent in the square in which he resided and had passed the largest portion of his life. Another evil was, that there was no paved passage along the wharves, and the wharves themselves were in some instances not properly levelled nor covered with a hard material so as to let the water run off.

These evils Stephen Girard saw and practically felt, and in framing his will, his object was to get rid of these inconveniences, and at the same time promote the health of the city without doing any injury to commerce.

He accordingly directs the city "to lay out, regulate, curb, light, and pave a passage or street on the east part of the city of Philadelphia fronting the river Delaware not less than twenty-one feet wide, to be called Delaware Avenue, extending from South or Cedar street all along the east part of Water street squares and the west side of the logs which form the heads of the docks, or thereabouts."

He does not say it shall be a public highway; nor even a public passage, nor a public street, nor a public avenue, nor does he use any words which necessarily lead to that conclusion.

"And to this intent to obtain such acts of Assembly and to make such purchases or agreements as will enable the Mayor, Aldermen, and Citizens of Philadelphia to remove and pull down all the buildings, fences, and obstructions which may be in the way." If he had intended to make it a highway, all this was unnecessary, but this clause becomes useful and necessary upon our construction of his Will.

"And to prohibit all buildings, fences, or erections of any kind to the eastward of said avenue; to fill up the heads of such docks as may not afford sufficient room for the said street; to compel the owners of wharves to keep them clean and covered completely with gravel or other hard materials, and to be so levelled that water will not remain thereon after a shower of rain; to completely clean and keep clean all the docks within the limits of the city fronting on the Delaware, and to pull down all platforms carried out from the east part of the city over the river Delaware on piles or pillars."

In these words there is certainly nothing contradicting the idea that he meant this for a mere passage, and not for a public or common highway.

The Will not necessarily leading to the opposite conclusion, there are circumstances and reasons appearing in this and other parts of the Will itself, which, in connexion with extrinsic matters, in the opinion of your memorialists conclusively establish, that it was not his intention to make it a public highway.

The situation of the square between Market and Arch streets, and of the testator's dwelling and stores on the wharf and on Water street, are important in connexion with the Will itself. The stores on the west side of Water street were built about the beginning of



the last war, and the new block on the wharf was built in 1827. The repairs to the old store back of his dwelling house were commenced in the fall of 1830 and were finished in 1831. His Will is dated 16th February 1830. A public middle or centre alley runs between his older stores and those purchased since the date of his Will.

These are his land marks. In the directions relative to Water street he says, "that Water street be widened east and west from Vine street all the way to South street *in like manner as it is from the front of my dwelling to the front of my stores on the west side of Water street, and the regulation of the curb stones continued at the same distance from one another as they are at present opposite to the said dwelling and stores, so that the regulation of the said street be not less than thirty-nine feet wide, and afford a large and convenient footway clear of obstructions and incumbrance of every nature, and the cellar doors on which, if any shall be permitted, not to extend from the buildings on to the footway more than four feet; the said width to be increased gradually as the funds shall permit, and as the capacity to remove impediments shall increase, until there shall be a correct and permanent regulation of Water street on the principles above stated, so that it may run north and south as straight as possible.*"

His buildings on Water street therefore formed the guide, for the regulation and width of Water street, and the city have placed that construction of this clause of his Will, by declaring that by "not less than thirty-nine feet wide," in connexion with the monuments on the street, he meant thirty-nine feet and no more, and they have accordingly established that as the permanent width of new Water street.

He has said that this passage shall be "not less than twenty-one feet wide," and by examining his old store that he repaired and new faced towards the river in 1830 and 1831, there will be found just twenty-one feet without any foot pavement between the eastern front and the dock in front of it. This shows that his own buildings on the wharf and his wharves and docks formed monuments by which this passage was to be laid out.

His new store was built in 1827, and is one of the finest buildings of its kind, and was intended by him to form a permanent monument of his skill and knowledge. By the plan proposed by the committee of Councils, a considerable part of its eastern front must be cut away, and the building itself seriously injured, an effect certainly never contemplated or intended by him when he made his Will.

Assuming then these two stores, and the dock and wharf as land marks used by him, then it follows that the avenue should be only twenty-one feet wide without a foot pavement in front of his old store, and of course of the same width throughout, and that he did not think it necessary to take even one straight line from street to street, because you must take another line to avoid cutting down his new store. This is supported by his words. "All along the east part of Water street squares and the west side of the logs which form the head of the docks or thereabouts," and he also omits entirely the language used by him in relation to Water street, which directs "*that it may run north and south as straight as possible.*" All this it will be perceived is in strict consonance with our construction of its being a *passage merely*, but is entirely opposed to the other construction that he intended it to be a public highway.

There is also another consideration worthy of notice. If this was a public highway, nothing could be conveniently landed at the head of his dock, nor could goods be allowed to remain at all on the wharf, but must be portered at once from the vessel to the store at a considerable additional charge.

It may be that the testator, who had long been a Warden of the Port of Philadelphia, simply intended to carry into effect the Act of the 29th March 1830, which we have already noticed, and which would repudiate

entirely the idea of a public highway. All the objects of the testator will be answered by a *continuous passage*. Can his intentions be fulfilled if it is to be a public highway?

The *damages* to be paid in such case to the owners of wharf property alone, without calculating the cost of curbing, lighting, and paving, and filling up the heads of docks, will be at the very least one million of dollars, and until the city is ready to pay the whole of this sum, the whole of this avenue cannot be opened as a public highway nor even for public use. *If the whole income of the five hundred thousand dollars were applied to this object alone, it will be perceived that such a project cannot be affected for fifty years to come.*

But this fund has two other objects, the removal of wooden buildings, and the widening of Water street, and supplying it with Schuylkill water, laying iron pipes, establishing pumps and fire plugs, and repairing the middle alleys. If all these objects are to go on together, then it will be perceived that a still longer delay must take place in the opening of Delaware Avenue—and if the whole income is to be applied in the *first place to that object alone*, then it inevitably follows that a main intention of Mr. Girard will be entirely defeated, that of renovating and improving Water street within any reasonable period of time.

These facts show also that Mr. Girard never did contemplate a public highway along the Delaware front east of Water street. Another fact is deserving of notice. There is no city in the United States so well provided as Philadelphia with the means to immediate egress and regress from the wharves into a public street like Water street, which is to be improved for this very purpose.

Between Cedar and Pine streets there are *eight alleys*. Between Pine and Spruce streets there are *five alleys*. Between Spruce and Walnut streets there are *eight alleys*, beside the Drawbridge. Between Walnut and Chesnut streets there are *two thorough cuts, besides other alleys* leading into them. Between Chesnut and Market there are *three thorough cuts* besides alleys leading into them. Between Market and Arch streets there are *six alleys*. Between Arch and Race streets there are *five alleys*. Between Race and Vine street there are *six alleys*. These alleys are only from one hundred and eight feet to one hundred and six feet in length, and lead directly from the wharves at very convenient distances into a public street.

The wharves are intended simply for commercial purposes, and no interference whatever with them can be permitted without a sacrifice of the commerce of the city. All that is wanted is a convenient method of getting from the wharves when paved, cleaned, and connected, and this is afforded by those numerous avenues already provided by the wisdom and foresight of our citizens. At present a variety of charges on trade are avoided, and the commerce of the city increased, by the conveniences afforded of landing flour, whiskey, linseed oil, mackerel, cotton, sugar, coffee, molasses, grain, salt, and western produce generally, besides a large amount of foreign and other articles landed at wharves fronting the stores where they are warehoused. These advantages have also increased the value of wharf property, and have induced many persons, in various branches of business, to locate themselves in stores immediately adjacent to the wharves. A public highway like the one proposed, would cut off all direct communication between the vessels and the stores, and at once render the employment of additional hands necessary to discharge or load a vessel, and thus increase the cost, and of course diminish the commercial advantages of our port. Philadelphia maintains her present commerce only by her superior economy, and if that is taken away, business must naturally flow to New York and other ports more favourably situated than this city for commercial business.

Your memorialists, for these and other reasons which



they do not deem it necessary to press at this time, do not hesitate to say, that such a measure as that now before your honourable bodies, would reduce at once the value of all wharf property, and strike a fatal blow at the commerce of our flourishing city.

It will be recollected, that the whole Delaware wharf front within the limits of the city, including the public as well as private wharves, is about 5,400 feet, and that it cannot be increased. Destroy its present accommodations, created at the expense of private individuals, and with private capital, and not by public liberality, and you injure this noble city, but you do not fulfil the will of Stephen Girard, who was too able a merchant not to have foreseen the consequences of such a measure.

In his emphatic language, he says—"But if the said city shall knowingly and wilfully violate any of the conditions hereinbefore and hereinafter mentioned, then I give and bequeath the said remainder and accumulations to the commonwealth of Pennsylvania, for the purposes of internal navigation. But your memorialists feel confident that this will never be done by your honourable bodies.

Your memorialists, having thus stated their objections to the plan before Councils, beg leave (reserving all their rights to a full compensation for all damages which may be sustained by any of them) respectfully to suggest one which they believe will entirely fulfil the intention of the testator.

1. To make the west line of the Delaware Avenue agreeably to a dotted line marked on the dra't accompanying this memorial. This will save the front of the Fish market, S. Girard's new store, and several other valuable buildings.

2. Make the width only twenty-one feet, without any foot pavement.

3. Lay it out as a passage merely, agreeably to said plan, but not as a public or common highway, reserving all the rights of the owners of wharves, together with the undisturbed use of them, for all commercial purposes as heretofore.

4. Let all the other directions of the testator relative to it be strictly fulfilled.

If this plan is adopted, the expense will be comparatively small. The passage could be laid out without delay throughout the whole extent, and within a very short period could be made, curbed, lighted, and paved.

Your memorialists, therefore, most respectfully renew their remonstrance against the passage of the present ordinance, and pray your honourable bodies to ask of the Legislature such amendments to the Act of the 24th March, 1832, as will make it conform to the Will of our deceased fellow citizen.

#### DESCRIPTION

Of the western line for Delaware Avenue, proposed by the owners and occupiers of wharf property on the river Delaware.

Beginning on the north side of Cedar street, at the distance of about twenty-one feet from the southeast corner of the building at the corner of Cedar street and the wharf, and continuing in a straight line so as to strike the northeast corner of the most projecting store between Cedar and Lombard streets, and from thence in a continued straight line to Lombard street wharf. This gives twenty-one feet clear throughout.

Beginning on the north side of Lombard street, in a line with the building at the south-west corner of Pine street and the wharf, and continuing that line to Pine street. This gives twenty-one feet in the clear, except at the part of the head of the first dock above Lombard street, which will only require a wharf-log or two to give the width of twenty-one feet.

From Pine to Walnut take the line understood to be proposed by the plan of the Committee of Councils, which takes the fronts of the stores as they now stand

between these streets as the west line, except in the cases of Paul Beck's stores next to Pine street, and Richard Willing's above Spruce street, the projections of which are to be cut off, and of the stores at the south-west corner of Walnut and the wharf, which are a few feet west of this line. This gives twenty-one feet throughout, except in one or two instances where an additional wharf log will be required, and at the Draw-bridge, which the city authorities are now filling up.

From Walnut to Chesnut take the east line of Thomas P. Cope's stores, and the adjoining stores, to Chesnut street, as proposed by the Committee of Councils.

Then beginning on the north side of Chesnut street, in a line with Paul Beck's stores between Chesnut and Market, and continue that line to the division line between Paul Beck and George Blight, then curve so as to remove the five feet of wall projecting from Geo. Blight's southern building, and so as to leave untouched all his other buildings, until you bring it in a line with his tavern, and continue that as the west line to Market street.

This fills up the Crooked Billet dock, and saves a very valuable and expensive building on Market street.

Take the line of the present buildings on the north side of Market street until you reach the property late Bickley's now the City's. This will leave the whole front of Market street and the Fish Market as they now stand, forming a projecting centre in the line of the wharf front. Take down so much of Bickley's stores as will bring them on a line with S. Girard's new store, then curve at the corner of said store, and take the east front of S. Girard's old store as the west line, and continue that line to Arch street.

This leaves S. Girard's stores and wharves untouched, and fills up the heads of the two docks to the north of them.

From Arch to Race street take the line proposed by the Committee of Councils, which leaves all the stores and buildings untouched, and fills up the head of one dock, and will add only a wharf log or two in some other places to get the twenty-one feet.

From Race to Vine street take a line beginning at the southeast corner of Sarchet's store, and running to the southeast corner of Jacob Ridgway's store, late Flintham's, and from thence in a straight line to Vine street.

Wherever the width of the wharves will permit to leave the foot pavements as they now stand, between the west line and the stores, and where the width permits and there are no foot pavements, to leave from three to five feet between the west line and the stores, which the owners may use for that purpose if they deem it expedient.

It will be perceived that this is the cheapest and most commodious location for Delaware Avenue that can be adopted.

The subjoined communication was received and read, but was not acted on.

To the Honorable the Select and Common Councils of the city of Philadelphia.

Gentlemen--The subscriber having taken a part in the deliberations of the holders of property on the Delaware Front, whose memorial will be before you this evening, has reason for dissenting from the committee in the line they have proposed for Delaware Avenue in two places; but approves of the proposed line every where else. The first objection is to the line proposed in the square between South and Pine street, the second to the line between Chesnut and High street. I offer at present no reasons why I dissent from the line proposed by the committee for those two squares, and only say that I have full confidence that Councils will protect the rights of individuals and show no partiality.

I am with great respect,

Your humble servant,

PAUL BECK, Jr.



## COMMON COUNCIL.

The President submitted a certified statement of the accounts of the Executors of the last will and testament of Stephen Girard, from December 20, 1831, to May 15, 1833, by which it appears that the money and property by them received was \$4,664,619 80; amount expended \$4,194,168 40—leaving a balance in the hands of the Executors of \$470,451 40. Appended, was the following

## SCHEDULE

Showing the cost of the Real Estate of the late Stephen Girard, purchased between the years 1785, and 1852, viz:

Cost of the real estate in the city and Liberties, including banking house and bank estate	\$1,291,198 53
Cost of the real estate in Passyunk and Moyamensing townships	230,944 45
	<hr/> 1,522,142 98
Cost of 200,370 arpens or acres of land in Ouachita county, Louisiana,	42,680 91
Cost of 29,494 $\frac{3}{4}$ acres of coal land in Schuylkill county	175,246 32
Cost of 6,000 acres of land in Erie county	1,764 25
	<hr/> 1,741,834 46

Amount of the personal property which has passed through the hands of S. Girard's Executors, up to this date, as per account filed with the Register	4,577,330 02
Cost of the real estate as above	1,741,834 46
	<hr/> 6,319,164 48

Assessed value of the real estate in the city and county of Philadelphia, for the purposes of ascertaining the collateral inheritance tax thereon.

Walnut ward	167,000 00
Pine ward	119,300 00
Middle ward	285,776 00
Chesnut ward	69,500 00
High street ward	293,480 00
Passyunk township	94,410 00
Unincorporated part of Penn township	30,000 00
First ward, Spring Garden	16,500 00
Third ward, Spring Garden	2,400 00
Sixth ward, Northern Liberties	88,300 00
Moyamensing township	16,935 00
South Mulberry ward	6,000 00
	<hr/> \$1,189,631 00

Philadelphia, May, 1833.

Mr. Smith presented a communication from Paul Beck, Jr. expressing his dissent, in part, from the proceedings of property-owners and others, on the river front, in relation to Delaware Avenue, which was referred to the committee having that subject in charge.

Mr. Maitland presented a long memorial from citizens owning property on the river front, praying that Delaware Avenue may not be opened as a public highway. Referred to the committee on Delaware Avenue.

On motion of Mr. Lapsley,

Resolved, That the committee on Washington and Rittenhouse Squares be directed to make report on all matters referred to them, at the next meeting of Councils.

On motion of Mr. Aken,

Resolved, That the committee on the State House and Independence Square, be directed to act on all

matters referred to them, and make report at the next meeting of Councils.

On motion of Dr. Huston,

The consideration of the resolution from Select Council, in reference to changing the name of South Alley to Commerce street, was, after some debate, in which Dr. Huston, and Messrs. Chandler, Haines, Smith, Aken, and Maitland, took part, postponed for the present.

On motion of Mr. Lapsley,

The Select Council was informed that the Common Council was in waiting to receive the members of Select Council, for the purpose of proceeding to the election of a Trustee of the Girard College, in the place of John C. Stocker, Esq. deceased.

The Select Council being introduced, the President, Joseph R. Ingersoll, Esq. took the chair. Messrs. J. P. Wetherill of the Select Council, and Joseph Smith, of the Common Council, were appointed tellers, and an election for Trustees of the Girard College was entered upon by ballot.

The result of the first balloting was reported by Mr. Wetherill, as follows—

Alexander Bache,	9 votes.
Josiah Randall,	5 do.
Nathan Bunker,	3 do.
R. E. Griffith,	1 do.
James S. Smith,	1 do.
	<hr/> 19

Neither of the candidates having received a majority of the whole number of votes, the President declared there was no election. A second ballot was entered upon, which resulted in the choice of Alexander Bache, Esq. to wit—

Alexander Bache,	10 votes.
Josiah Randall,	4 do.
Nathan Bunker,	2 do.
R. E. Griffith,	1 do.
James S. Smith,	1 do.
John H. Dullis,	1 do.
	<hr/> 19

Whereupon Councils adjourned.

## PITTSBURG AND HER COAL SMOKE.

The opinion that the sulphur, disengaged by the consumption of stone coal, serves a valuable purpose in checking the progress of disease among us, is by no means a new one, got up to prepare our citizens to meet with confidence, the advance of the Asiatic Cholera. In 1826, Mr. Samuel Jones prepared a Directory of this city, and Dr. W. H. Denny, furnished him a communication upon the salubrity of this place, from which we make the following extracts, which will probably be interesting to many. What was then theory, or at least founded on a more limited experience, has, we think, been recently strongly substantiated. We believe if the Doctor had said "there is no ague and fever," instead of "scarcely any," he would have more precisely expressed the truth. It does seem, to us, that a case of ague and fever has not occurred here within the range of our recollection, which is by no means short.—*Pittsburg Gazette*.

"Of all the great western towns, Pittsburg is the farthest removed from the baneful exhalations of the swampy margin of the Mississippi, and accordingly enjoys a greater exemption from those diseases, which, during the summer and autumn, prevail even as high up as Cincinnati. Surrounded, too, by hills and cultivated lands, and free from stagnant water, there are no local sources of disease. The smoke of bituminous coal is antimiasmatic. It is sulphurous and antiseptic, and hence it is, perhaps, that no putrid disease has ever been known to spread in the place. Strangers, with



weak lungs, for a while find their coughs aggravated by the smoke, but nevertheless, asthmatic patients have found relief in breathing it. The prevailing complaints are those which characterize the healthiest situations of the same latitude elsewhere in America.—in winter, pneumonia and sore throat, and in summer, bilious affections. The goitre, or swelled neck, has disappeared; the few cases which formerly excited the apprehensions of the stranger, no longer exist to gratify his curiosity. In comparison with the eastern cities, there is much less pulmonary consumption; less scrofula and less disease of the skin. There is scarcely any ague and fever, and no yellow fever. In comparison with western cities, including Cincinnati, there is less bilious fever, less ague and fever, and less cholera infantum, or the summer complaint of children. We are the intermediate link of disease, as well as of commerce. We have less hepatic disease than the west, and less pulmonary disease than the east.

"The abundance, cheapness, and consequent general and even profuse use of the best fuel, is certainly one great cause of our superior healthfulness. The low fevers so prevalent in the large cities, among the poor, during a hard winter, and the ague so common in wet seasons, in the eastern counties of the state, where wood is scarce, are here in a great degree avoided by the universal practice of keeping good coal fires late in the spring and early in the autumn, and indeed at all seasons when the weather is damp or inclement.

"Our exemption from the ague, and epidemic dysenteries, in comparison with the settlements in the lower counties, and the eastern valleys, may be accounted for also, in part, by the scarcity of mill dams and stagnant water, in a country where in the summer, milling for the most part, is done by steam, and where the mill streams generally dry up at the season most likely to produce disease.

"In the whole, with regard to the health of Pittsburgh, and indeed, of the whole western section of Pennsylvania, it may be said, that no part of the United States is more healthy, and that the greater part will bear no comparison with in point of salubrity."

From the New York Commercial Advertiser.

#### BIOGRAPHY.

*Felix Alexander Oviere Pascalis*, M. D., &c., whose death was recently mentioned in this paper, was born at the town of Aix, in Ancient Provence, in 1762, and was educated in the excellent schools of that place until he was prepared to enter the University of that city. When he graduated, he took the first prize of honour, which distinction introduced him to the celebrated Professor Darluc, a botanist and professor of Natural History, who lost his life in a tour to the Alps in making some experiments on electricity. Although at this time inclined to the study of medicine, Mr. Pascalis accepted a clerical benefice which was then in the gift of his family. After this he studied divinity three years, on a foundation established by the Archbishop of that department;—still his partiality for medicine and natural philosophy was so strong, that his mind was occupied with the thoughts of this science while he was on a tour through France and Italy. He was now licenced to preach, and delivered several eulogiums and charity discourses; but he was drawn, however, from his clerical pursuits, by attending his older brother's lectures on physical science.

He was indulging in the pursuits of general knowledge, and making himself a physician, when the revolution of 1789 broke out in the South of France. His brother was decidedly attached to the royal party—but the subject of this sketch was an advocate of liberal principles, and with youthful ardour joined the democracy of the country. His active mind could never be quiet, and he dashed out into the literary world, in a work, on the celibacy of the clergy. The essay made

a great noise, and the Archbishop of Belloy excommunicated the young ecclesiastic, who had dared to speak his mind on such a delicate subject. In a few days the Reverend Prelate was obliged to fly his country. The subject of this sketch now determined to make medicine a profession, and on becoming acquainted with a surgeon of the army, he went with him to Port au Prince.

In this place he became known, and was engaged by Boyer and Chanlatte as a commissioner to repair to France to solicit aid for the whites and mulattoes against the insurgent slaves. The commissioners arrived at Paris just two months before the arrest of the King. They were introduced to the Assembly, but soon the flood of Jacobinism overwhelmed every thing, and Pascalis thought himself fortunate in effecting his escape to London, and from thence he sailed to Jamaica;—here he was suspected and underwent a rigid examination which resulted in his release and honour. The governor, understanding his whole course, found him a passage to the United States in an English brig. The war was raging between England and France. On his voyage, as he came near the American shores, the brig was chased by a French Republican frigate, and believing it impossible to escape from her, he and several passengers stepped into an open boat, with a few articles of clothing and food, and left the brig.

She was taken, but the next day the adventurers in the boat arrived at Philadelphia, or its vicinity. When he left the English brig he destroyed his papers and changed his paternal to his maternal name which he has ever since retained. This was in the year 1793. He had letters of recommendation to President Washington from several French gentlemen of distinction, and soon became acquainted with the medical faculty of that city, who have long been distinguished for their learning. In about two months after the Doctor's arrival, the yellow fever broke out in Philadelphia and spread death and terror through the land. Pascalis had become acquainted with Dr. Devezé, who had fled from St. Domingo, and who had the reputation of being skillful in cases of the yellow fever, having practised many years at Cape Francaise. The hospital was put under his care and Dr. Pascalis was made an associate, for he was deeply read in the history and nature of the disease, as it had appeared in different ages and countries. He had satisfied himself that the yellow fever was not contagious, and he wrote several essays upon the subject which did much towards allaying the fears of the people; and such was the effect of the writings of Pascalis and others, that the Legislature of Pennsylvania, in 1802, altered their quarantine law, a majority of that body having become non-contagionists.

In 1805, Doctor Pascalis was sent by Mr. Jefferson, in the United States' ship John Adams, to Spain, to get further light upon the yellow fever. How much information he derived from this medical voyage, the writer is unable to say, but on such a mind as his, nothing could be lost.

On his return in 1806, Doctor Pascalis took up his residence in New York. The next year he was made physician to the public charities. In 1812, he became one of the three editors of the Medical Repository, and continued his labours for five years. This work is too well known to the public to require any observations on its merits in this place. Doctor Pascalis received the two prizes from medical institutions, in this country, offered for the best essays on given subjects; one from Yale College, and the other from the University of Pennsylvania, which, in both instances, were followed by honorary degrees from those highly respectable institutions.

For several years past, Dr. Pascalis has been indefatigable in introducing into this country the Chinese mulberry tree, and in giving the public the most extensive information on the proper methods of feeding the silk-worm, and winding the silk.



His thoughts were occupied upon the subject until the hour of his death, even when his senses had fled. He was a man of genius—fruitful in suggestions, and persevering in research. He left but few subject untouched, and it will be confessed by all, that he threw much light on many obscure matters. He loved his profession to enthusiasm, and pursued it every day of his existence. He considered it as embracing all the laws of matter and mind, and he thought that a physician should interrogate nature at noon-day and at midnight, and faithfully record her responses, however startling they might seem to the timid, or however much opposed to professional dogmas.

#### NOTES OF A TOUR.

To the Editors of the Philadelphia Gazette.

BLAIRSVILLE, June 18th, 1833.

Gentlemen,—I address you now from a town, which as you see it marked on the map, is a place of minor consideration, but which in reality, considered as a point in the chain of public improvements which connects the eastern and western parts of the state, is of vast importance. Blairsville, a few years since, consisted of a solitary public house, at which the traveller across the mountains might stop to refresh himself and his beast—now it contains a large number of substantially built and handsome brick edifices—several churches—a market and school house, and not less than four or five well kept hotels. It has sprung up suddenly, but its duration will not be the less permanent.

Blairsville stands on the western bank of the Conemaugh river, a stream flowing into the Alleghany river, about thirty miles from Pittsburg, and is distant from that city by land forty miles, by the course of the river seventy. This river is one of most beautiful and romantic streams in the west. I have passed along its banks for some distance, and been strongly reminded of our favorite Schuylkill, which in some respects, it strongly resembles. Its course is meandering and irregular. Along this river a canal has been made, east of Johnstown, and west to Pittsburg, forming the western division of the Pennsylvania canal. That portion between Blairsville and Johnstown is but little used, and will not be, until the completion of the Portage rail road; but the section leading to Pittsburg is in constant and successful operation. Blairsville derives importance from being the depot of merchandize brought from the east and west. That from Pittsburg is here landed from the canal boats, and conveyed in teams to Hollidaysburg, where it is again placed in boats and taken on to Philadelphia. That from the east is landed here from wagons, and passed down the canal to the western metropolis. A boat starts daily from each place, at five o'clock in the evening. The passage consumes about thirty hours.

From Hollidaysburg to Johnstown, you will recollect, a rail road is now being made, designed to connect the two canals. This is an important work, but it is to be regretted that the plan was not arranged so as to connect Hollidaysburg with Blairsville, instead of Johnstown. The necessity of this continuation seems to be now generally conceded, and it is probable it will, in time, be made. This completed, the means of inland transportation between Philadelphia and Pittsburg will be perfected.

A dam in the Conemaugh, at this place, has been made to feed the canal. There is also a dam about nine miles below, where the canal passes through a tunnel of eight hundred feet in length. The scenery at this place is peculiarly romantic. Between Johnstown and Blairsville there are three dams. The Conemaugh, which is here about one hundred yards wide, is crossed by a bridge, of single span, which connects Blairsville, with a small village on the western shore, called Bairdstown, containing a store, two taverns, and a number of neat dwellings and farm houses.

The society at Blairsville is remarkable for its intelligence. I say this not to deteriorate from the respecta-

bility of other western towns, but because from personal intercourse and observation, I have had abundant opportunities to ascertain this fact. We of the east do not properly estimate the worth of character which exists in the west. We are too apt to fancy that the well-informed—the statesman—the philosopher—the man of breeding, is only to be found in large cities. This is a great mistake as applied to western Pennsylvania. With the most of those to whom I have been introduced across the mountains, my acquaintance has been extremely pleasant, and the kindness and attentions of the Blairsville people I shall never forget. The Record, published at this place, is an ably conducted newspaper and well supported.

Manufactures of several kinds, are carried on in this place, to some extent. Bituminous coal of excellent quality is found in great abundance, in all the adjacent hills. On the Kiskiminetas, below this place, there are several extensive salt works. The land in the vicinity, is fertile and capable of producing all our staple articles of agriculture.

Blairsville is a port of entry. The collector, Major Thomas Johnston, is a gentleman of free and sociable manners, worth and intelligence, with whose conversation and society the visitor will be delighted.

From the Commercial Herald.

#### HUNTINGDON COUNTY, PA.

Gentlemen,—Before we leave the borough of Huntingdon it may be well to remark, that except the usual trades carried on in villages, there is nothing in or about the place which deserves the name of a manufacturing establishment. There is adequate waterpower, great facilities of transportation, abundance of *materiel*, and sufficient capital; but those who have the *cash* are generally advanced in years—fond of a quiet life, and suffer it to remain unemployed, except occasionally in some usurious or petty speculation. The groups of chubby urchins met at every corner of the streets indicate a due deference on the part of the inhabitants to the injunction laid on our first parents "*crescite et multiplicamini*." They may also be denominated a religious, at least a church going-people, if we may judge from the number of houses of public worship—with a population little exceeding twelve hundred, they have no less than six churches. But to proceed—

On leaving Huntingdon, the traveller has a choice of routes to Alexandria by the turnpike road over the Warrior ridge, or by the way of Petersburg. On the former nothing is to be seen worthy of notice, except the *Pulpit rocks*, so called from their resemblance to a preacher's desk. They are composed of huge detached masses of sand stone, piled one upon another, and bear the appearance of having been, at some remote period, embedded in earth, their summit ranging pretty much with the surface of the adjoining hills. The stone is valuable for furnace hearths. By the other route along the canal and slack water, the road is highly picturesque. Five miles from Huntingdon you pass *Juniata Forge*, belonging to Dr. Shoenberger. Here the proprietor laid the foundation of his immense estate in iron works. Immediately beyond is Petersburg at the mouth of Sharen's creek, which gives name to a rich valley through which it runs. The Little Juniata, or Little river, as it is sometimes called, unites with the main branch about a mile above Petersburg and the same distance from Alexandria. At or near this junction the county town should have been located. In pursuing the route up the Little river, the first object of interest is *Barre Forge*—the first erected in the county. It belongs to the Dorsey family, and is still in successful operation. Passing on through a craggy defile about four miles, you reach the mouth of Spruce creek. On this small stream are six Forges in the space of about as many miles, and a little further up the valley is *Pennsylvania Furnace* on Centre county line. The mine



banks in this region are reputed the richest in the state and the best adapted to the manufacture of bar iron. On a branch of the creek, called Warrior Mark run, stands *Huntingdon Furnace*, esteemed, in connexion with the other works attached to it, the most productive Iron establishment in the county. It is owned by Lyon, Shoenberger and others. Up the Little river, a short distance above its junction with Spruce creek, you reach *Union Furnace* at the mouth of Sinking valley. This is confessedly the best valley of land in Huntingdon county. It derives its name from a considerable stream of water which sinks near the centre of it and suddenly disappears—where it re-issues from the earth has not been satisfactorily ascertained. About four or five miles further up the Little river are the *Tyrene Works*, consisting of two Forges, Rolling and Slitting Mills, Nail Factory, &c. These belong to the proprietors, or some of them, of Huntingdon Furnace. Still further up, in Logan's valley, commonly called *Tuckahoe*, are a Forge and Furnace; and a short distance north on *Bald Eagle* are two Furnaces. The "Phillipsburg and Juniata Itail Road" now being located from the former to the mouth of the Little river where it meets the Pennsylvania Canal, passes through this region of country, and will doubtless be highly beneficial, by increasing the facilities of transportation. The road opens a passage to the richest beds of *bituminous* coal perhaps in the United States, most admirably adapted to manufacturing uses. The stock in this Company can scarcely fail to become valuable.

Having partially explored the upper part of the county, we now return to Alexandria, a handsome village on the main branch of the river, but like Huntingdon, its trade is cut off by the diffuse avenues of commerce afforded by the Canal. Two miles above is *Water street*, so called, from the circumstance of the road passing through a gap in the mountain, literally in a stream of water, in early days. The iron works in this quarter are not so numerous, but are highly valuable—*Etna Furnace and Forge*, belonging to Mr. Spang, are situate off the main road, near the river, some four or five miles above Water street. Next above on the river, is *Cove Forge*, the property of Royer and Schmucker; two miles below the village of *Williamsburg*, and about the same distance, at the mouth of Piney creek is *Franklin Forge*. All these works are favorably situated, on or near the Canal, and have the additional advantage of the trade of *Morrison's Cove*, an extremely fertile valley which extends southward into Bedford county. In this quarter ore and timber are abundant, and there are three or four Furnaces in the *Cove*; the net profits of one of them "last blast," was something like fifteen thousand dollars. I omitted to mention, that south of Huntingdon on the Raystown branch, there is abundance of stone coal, and a Furnace which has produced a large quantity of metal, but not of so good a quality either for castings or iron.

Returning to the Juniata, and pursuing our tour westward through some "rugged ways," we soon reach *Frankstown*, a small village on the canal, containing three or four stores, as many taverns, a smith shop or two, with the usual appurtenances of a little town. Here again the first object that meets the eye is a large *Foundry*, which gathers up the "spare pigs" and casts them into all the beautiful forms required for agricultural, architectural, and culinary purposes. Two miles beyond is *Hollidaysburg*, at the termination of the canal, east of the mountains—a beautiful situation, and should not the water fail to supply the basin, as is feared by many, it will doubtless "float down the tide of time" with considerable eclat.

In conclusion, according to a statement furnished by a very intelligent iron master, it appears that the different establishments in the county employ over 2,500 hands, who support families amounting in the whole to more than ten thousand persons and about 20,000 horses. The annual consumption of produce furnish-

ed to "the works," by the farming interest, exceed one hundred thousand dollars, and the value of the ore yearly extracted from the earth, when manufactured and carried to market, is over half a million of dollars. This calculation is predicated on an average statement of three years preceding the 1st December, 1831, and is at present no doubt greatly below the mark.

Yours, &amp;c.

VIATOR.

From the Pennsylvania Inquirer.

## DISEASE AMONG THE CATTLE.

EXTRACT TO THE EDITOR, DATED

*Holmesburg, Aug. 5, 1833.*

Within eight years past, complaints have been made in different quarters of the neighborhood of Philadelphia, of diseases among horses, and horned cattle particularly, which, upon several farms, proved speedily fatal, in the manner described by your correspondent near Frankford. In almost all the instances I am acquainted with, this occurred on farms where cattle had been pastured for many years upon the same field. Cleanliness, pure air, and varieties of wholesome food, are required by animals of an active character, and are instinctively sought by them in a wild state, as is exhibited by their frequent extensive migrations.

Among domestic cattle, an inattention to the natural laws or principles, which are apparent and control their condition, will lead to a less perfect state of health; the continuance of the neglect of these causes may induce epidemics.

Cattle sometimes are very much restrained, until after harvest, in the use of green food; their natural instincts become perverted; and they are known not to select with sufficient discrimination, but often greedily consume poisonous weeds, which attain their noxious qualities in mid-summer. The free use of salt will assist to correct the depravation, or control the effects of nauseous plants, and regulate the condition of the stomach to excite selections. It often happens that cattle choose litter in a barn yard, instead of clean fodder, for the saline qualities which the former contains; and, in some instances, drink the barn yard water, in preference to a purer fluid, on the same account. We know one instance, in which a healthy young cow died from this indulgence; and a pig who ate some portion of the dung which came from the cow, also died very promptly although in perfect health previously. In their case, death was attributed to the infusion of some rank poisonous plants, which had been carted into a barn yard with potato tops, and adulterated the water with their deadly juices.

Upon examination after death, very little appearance of disease was noticed; and it is supposed the action was principally communicated through the nervous system, and the brains; but a very slight inflammatory appearance in the stomach was apparent in the instances I mention. The desire for salt is almost universal among grass and grain eating animals; and their instigations of the stomach should always be attended to. The water, at this season, should also be pure; for although vegetable poisons may not affect it, various animal and insect deposits may prove equally injurious. Old pasture fields seem spontaneously to abound in many poisonous plants, which horses and cows cannot devour with impunity; although they do not prove prejudicial to some other cattle, as sheep and goats, for instance, who can eat and digest articles which kill other animals.

These old pasture grounds also become very foul, from the constant droppings of the cattle, and deleterious exhalations may arise, which are injurious to animal life, particularly at this season, when the activity of vegetation upon such fields is feeble; for vegetables live by imbibing gases which are deleterious to animal existence. If such old pastures as cannot conveniently be ploughed up and limed, had lime scattered over



them—say 25 bushels per acre—during the winter, or were sown with 1, 2, or 3 bushels of salt per acre, in the spring or summer, they would, I think, be rendered more healthful. If the cattle were taken from them, until the grass grew up a few inches, the action of the leaves of the grass would purify them somewhat. One of the celebrated surgeons, Larrey, who accompanied Bonaparte into Italy in 1793, mentions an epidemic among the cattle near the Adriatic, which made great ravages, and finally attacked the inhabitants of the district. He had a hospital established for the cattle, to try various plans of relief—but lost all the animals on which the disease had made much progress. He caused many of them to be opened in his presence, and generally found their stomachs filled with *indigested* herbs. The disease became finally contagious, and he observed upon some farms, that oxen, cows, sheep, and fowls, were all infected.

A particular farm in the neighborhood of some sulphuro-feruginous springs, escaped contagion—and perhaps the pasture was better there, Larrey observes. He also remarks: “The principal causes of this epidemic were the bad quality of the forage—the swampy state of the pasture grounds—and excessive and long continued heats, succeeding to a cold, rainy spring.” Larrey recommended that the skins should not be taken off, nor the flesh permitted to be eaten by other domestic animals, of such as were affected by the disease—but that they should be speedily buried and covered with quicklime.

Bleeding and scarification of the gums and palate, and purges were recommended in the early stages; and that the whole body should be washed with warm water and vinegar, and the horns to be bored near their base; a seton was also passed through the dewlap. If a marked crisis appeared before the ninth day, the animal was saved; after that period mild nourishment, bruised corn, barley, &c. parboiled, mixed with a little salt, and softened with warm water—good forage and tonic decoctions were employed to assist recovery.

It was strongly recommended to cleanse and purify the stables and sheep folds. The account of this disease will be found in the first volume of Larrey's *Memoirs of Military surgery*, &c. translated by Dr. Hall, page 84. I have not recently seen any of the cases of disease mentioned by your correspondent, and know not the peculiar causes or symptoms, but I refer your correspondent to the eminent French surgeon, from whom he may derive some satisfactory assistance.

EXTRACT TO THE EDITOR, DATED

Near Holmesburg, Philad. co. }  
August 10, 1833. }

Dear Sir: Several years ago, the well known botanist, Mr. Nuttall, pointed out to me, upon my farm, a plant, which usually blossoms about this season of the year, which he referred to as the cause of what is commonly called the “Slobbers” in horses; a continual discharge from the salivary glands, which exhausts their strength very rapidly. This plant grows upon old and poor pasture fields, and is known by the name of “The Devil's Tobacco.” (*Lobelia inflata*.) It is highly fragrant, spicy, and active as an emetic—even dangerously so—and exercises a very powerful and dangerous influence over the animal system. I have seen a pair of horses turned out to pasture at night in the heat of summer, so weak in the morning, with the water running in streams from their mouths, that they could not be used for a week. Salt and dry ground food appear to be the best remedies.

A gentleman who had a farm on the banks of the Schuylkill, told me that he sowed a pasture field with two or three bushels of salt to the acre, which corrected this evil, although horses turned into the next field “slobbered,” and had previously been so affected in the one sown with salt. Whether this salt acted as a preventive of the nauseating effects, or interrupted

the development of the plant, or that its influences were solely through the stomachs of the animals, I am not prepared to explain—but the fact was stated by one upon whom I have full reliance.

When I once visited Tornea, the inhabitants complained of a distemper which killed multitudes of their cattle, especially during spring, when first turned out into a meadow in the neighborhood. He soon traced the disorder to the water hemlock, which grew plentifully in the place, and which the cattle in the spring did not know how to avoid, having been closely confined during winter.

Dr. Flemming, in his *Philosophy of Zoology*, mentions that in Orkney many goslings die when first turned out into the hills to pasture, in consequence of eating the leaves of fox glove.

The sudden death of the cattle, described as taking place recently in Philadelphia and Montgomery counties, appears something like the effect of a violent vegetable poison—and the mystery may be solved by some of the intelligent medical gentlemen who are acquainted with botany.

Peculiar seasons seem to induce the growth of peculiar plants. Almost every year we notice that certain grain or root crops exceeds others. This summer it was remarked that cherries and blackberries were unusually abundant. So, the character of the preceding or present season may increase the especial growth of some noxious plants, which are not commonly abundant, or so active, in their properties.\*

Sometimes the second crop of hay is found to “slobber” horses—but at other seasons it has not this effect—probably because the plants which cause the “slobbers” (for I do not attribute the effects to clover alone) do not arrive at maturity before the second crop grasses are cut.

Whatever may be the mystery in the sudden deaths of the cattle, it will be found connected with some natural cause, to discover which, exertions of a character likely to succeed should be made. The peculiarities of food, drink, or air, are those most likely to affect animals, and it would be well to guard against them by appropriate precautions.

PHILADELPHIA SAVING INSTITUTION.

Statement of the affairs of the Philadelphia Saving Institution, located at No. 100 Walnut street, between Fourth and Fifth streets, from its commencement, June 24, 1833, to the present time, August 19, 1833.

To the Public.

In coming forward thus early with a statement of the affairs of our Institution, it is more with a view to give a correct knowledge of the manner in which it is governed, and the advantages to be derived from it, than to make an ostentatious show of business: though we feel perfectly satisfied that more has been done than was expected by the most sanguine, at this short stage of our progress. The Institution is composed of Fifty members, who have created a capital stock amounting to \$42,250; which is increased every week by the weekly deposits of members. The capital is also increased by the weekly deposits of those who are not members, but who have the privilege, at the expiration of the first year, of converting the amount deposited by them into the Stock of the Institution, and participate in its profits.

The principal object in establishing an Institution of this kind, was to give facilities to those who can afford

\* There are certain plants which require a peculiar preparation for the germination of their seeds; thus “the soil in which alone the healthful little plant called *Monilia Glauca* makes its appearance, in the surface of putrid fruit; while the small animal termed *Vibrio Aceti*, requires for its growth vinegar which has been some time exposed to the air.”—*Philosophy of Zoology*, 1. 25.



to put by a small sum every week for the purpose of accumulating, while at the same time they receive an interest of five per cent. per annum.

When we take into consideration the flourishing condition of a number of similar institutions in Baltimore and other cities, we feel confident that, in a very short time, we will be able to make such an exhibit, as will give entire satisfaction to all who may favour us with their confidence, and establish the Institution upon a permanent and salutary basis.

The Institution receives deposits from individuals, as follows, viz:—weekly deposits, not less than one dollar nor more than ten, at an interest of 5 per cent. per annum. These deposits must be made regularly every week, or may be paid several weeks in advance.

Deposites are received for which certificates are issued, payable at ninety days. Upon these deposits an interest of four and a half per cent. per annum is allowed.

Deposites, payable at sixty days, for which certificates are issued, bearing an interest of four per cent. per annum.

Deposites, payable at thirty days, for which certificates are issued, bearing an interest of three per cent. per annum.

Deposites, subject to be drawn out at any time. Upon deposits of this kind no interest can be allowed, because the money, being liable to be called for at any time, cannot be used.

Regular weekly depositors, who commenced their deposits at the time the Institution went into operation—or those who will, within four weeks from this date, pay from the commencement, will be allowed to convert the amount deposited by them, at the expiration of the year, into the capital stock of the Institution, and participate in its profits, instead of getting 5 per cent interest.

Certificates are not issued for a less sum than Fifty Dollars; but less sums will be received bearing an interest of  $4\frac{1}{2}$  per cent.

A Weekly depositor may, at any time, when he shall have deposited Thirty dollars, or upwards, draw out two-thirds of the amount deposited by him upon his own note.

#### STATEMENT.

Stock,	\$42,250 00
Transient Deposites,	6,240 25
$4\frac{1}{2}$ per cent. Certificates,	3,161 00
4 per cent. Certificates,	500 00
Weekly Deposites,	2,384 00
	<u>\$54,535 25</u>

Nearly all of which is loaned upon stocks, mortgages, and other securities, at 6 per cent.

A list of the members' names may be seen at the office, where any further information relative to the Institution will be given.

PETER FRITZ, President.

CHARLES ROBB, Treasurer.

Attest—J. BARRINGTON, Secretary.

#### WESTCHESTER.

**FINE CATTLE.**—Mr. Alpheus Morse, from Madison county, N. Y. arrived in this borough on the 14th inst. with upwards of 360 head of cattle, selected expressly for this market. Among them were 50 or 60 two-year old heifers, taken from the best dairies, which are in demand and will sell readily, at fair prices. Of the working oxen, of which the bulk of the drove is composed, some were very large; of just proportion, and well broke; and so highly pleased were many of the purchasers at last year's sales, that increased prices have now been given. Two pairs of this description were sold at \$175 per pair; two at \$140, and many at intermediate prices, down to \$60 according to size and tractability. — *Village Record.*

#### THE WILLS HOSPITAL, FOR THE LAME AND BLIND.

Some years since a munificent bequest from the late James Wills, was left in the charge of the corporation of the city of Philadelphia, for the purpose of founding and supporting an Institution for the reception of the Lame and Blind.

On the 27th of April, 1831, the executors of the estate of James Wills paid over to the City Treasurer the following amounts, viz:

Cash,	\$6,789 06
Stocks, par value,	98,907 29
Real Estate, first cost,	2,700 00
Total,	<u>\$108,396 35</u>

For the purpose of carrying into effect so desirable an object as that of providing a comfortable retreat for the Lame and the Blind, and complying with the provisions of this bequest, a lot of ground was purchased, in May, 1832, extending from Sassafras to Cherry streets, and from Schuylkill Fourth to Fifth streets. The front on Sassafras and Cherry streets, is 396 feet, and the depth on Fourth and Fifth streets, 288 feet. The cost of ground was \$20,000, on which a building has been erected, that will be entirely completed before the middle of next month. The building will cost when completed \$30,000.

The funds for the support of the inmates of this interesting institution will be derived from the interest accruing on upwards of sixty-six thousand dollars United States 5 per cent. stock.

The building is 80 feet front on Sassafras street, by 50 feet in depth, and is built of stone. The front is composed of sand stone, obtained from the vicinity of Valley Forge, ornamented with six pilasters, having Ionic capitals. The doorway is also ornamented with Ionic pillars.

The building is composed of a basement, principal, and attic stories. The basement story is completely fire proof, and contains two dining rooms, each 20 by 33 feet, one intended for males, and the other for females; a kitchen, 20 by 40 feet; two pantries, 10 by 14 feet each; two cellars for fuel, each 12 by 20 feet; two bath rooms, each 10 by 14 feet, and two furnaces, by which the whole establishment is heated. The principal story contains the steward's parlor, and an office, each 16 by 21 feet, a chapel 21 by 32 feet, six dormitories, each 15 by 16 feet, with halls and vestibule and a piazza on the south side, 80 feet long, by 12 feet in width. The second story contains 7 dormitories, 10 by 15 feet each; an infirmary, 21 by 32 feet; two chambers, each 16 by 21, for the accommodation of the steward's family. The attic story is divided into two large rooms, each 37 by 21 feet. The whole edifice is covered with copper. *Com. Herald.*

**HAIL STORMS.**—Two severe hail storms, accompanied by heavy gales of wind, were experienced in Doylestown and its vicinity, on the afternoons of Thursday and Friday last. They took a north easterly direction, and the heaviest appears to have fallen a short distance above the village, doing considerable injury to corn and buckwheat. Apple trees were broken down, and a considerable quantity of fruit destroyed. We understand that one individual in Buckingham, had upwards of 100 panes of window glass broken. The hail stones were exceedingly large;—after the storm had passed, a hail stone was brought to the store of Messrs. F. W. & H. Moore, at the Cross Keys, by a little girl, which, after being carried in the hand some distance, measured upwards of five inches in circumference. — *Bucks Int.*

The Chester Upland Union mentions, that on Friday last, 16th, Tinicum Island was visited by a severe hail storm from the north east, which lasted about fifteen minutes, and destroyed upwards of fifteen hundred panes of glass in the Lazaretto Hospital and the adjacent buildings. The store houses and dwellings belong-



ing to the United States, sustained considerable injury. The trees in the vicinity were partially stripped of their fruit, and a number of them destroyed.

*Phila. Gaz.*

The upper section of Berks county, on Thursday afternoon last 15th, was visited with a most violent hail storm. Its extent, north and south, was confined to about half a mile, and probably reached some miles in the other direction. The hail stones were as large as walnuts, some were of globular form, and others were of the appearance of fragments of broken sheets of ice, the pieces varying from two to five inches in length. The ground was completely covered with it for a time, and such was its violence, that the driver of the Pottsville stage, which passed through it, had his hands so much lacerated, as to cause a copious flow of blood.—*Id.*

PITTSBURG, June 1833.

Gentlemen:—I witnessed this afternoon a terrible display of the fury of the enraged elements. It was an exhibition such as I never before saw, and such an one, as I pray Heaven I may never stand exposed to again. I will mention particulars.

A party of gentlemen, filling three gigs, left this place this morning, on a visit to Braddock's Fields, the scene of the dreadful slaughter of the English army, by the Indians, in 1755. The spot is about nine miles from the city, on the banks of the Monongahela, and we reached it about noon. We spent about two hours in walking over the field of battle. A gentleman who resides in the neighborhood, very kindly pointed out to us the ambuscade, in which the Indians were hidden, the spot where Braddock fell fatally wounded, the retreat of the army under the direction of Washington, who on that day, most gloriously signalised himself as an efficient officer; and indeed every other prominent part of the ground. We trod over these fields, now under cultivation, and flourishing with vegetation, and recalled to mind the events of that day. The furrows of the plough had turned up the bones of warriors, who had fallen dead on the field of glory. Remains of bones are still visible. In our rambles we picked up several pieces, as well as an arrow barb, flints, musket balls, &c. which I have carefully preserved. On our return, the occurrence took place to which I have alluded above.

We had arrived within about two miles of the city, when we saw in the west symptoms of a coming storm. They were trifling, and we felt confident we could reach the city, before the rain began. In this expectation we were disappointed; and before we had proceeded 300 yards, thick black cloud suddenly enveloped us, rendering the atmosphere very dark. In an instant, a large tree on our right tumbled down with a tremendous crash, sending the limbs and fragments in every direction. It commenced hailing and blowing awfully. We saw ourselves in a tornado, and hastily jumped out of the gig. While endeavoring to keep up our horse, who was nearly thrown down by the wind, I lost my hat. I ran after it, but was blown violently against the fence on the opposite side of the road. Recovering myself, I again ran; but never shall I forget the sensations which passed through me. Tree after tree went down with a prodigious crash literally filling the air with splinters and fragments—the wind rushed and roared with a horrid noise—the air was black with dust and the pelting of the hail; and the force of the wind rendered it impossible for me to keep my feet. On reaching my hat, I stumbled upon an elderly lady, who with three children, one at the breast, had alighted from a wagon, the horses attached to which in their fright had become unmanageable. A gentleman attached to our party seized one of the children, another, and with the mother between us, we endeavoured to make our way to a neighboring barn. This we reached, but we had no sooner entered the door, than a large part of the roof was blown entirely off, leaving us exposed to the most imminent danger.

This place was left instantly, and after immense labor, we made our way to an adjoining house, where we were gratified in depositing the children in safety. The lady was in great distress for her infant, it being her firm belief, while exposed to the storm, that it had perished in her arms. When she found all safe, she sank down in a state of utter exhaustion.

The storm was not yet over, though its fury was mainly spent. While in this place of safety, we witnessed more of its devastating effects. A new house within a hundred yards of our retreat, was blown down, an entire orchard was prostrated, and trees, fences and out buildings, rased to the ground, as if by magic. The scene was most dreadful.

Our party escaped with whole skins, but with little else. One of our gigs was whirled about in the air, for some time, but was only triflingly injured. Our apparel was completely spoiled.

In the city the tornado was less terrible, but the storm of rain and hail was very severe. Great numbers of trees, awnings, light buildings, &c. were prostrated, but I have not learned that any lives were lost.

I had made arrangements for leaving this place to-night, but passing through this scene, has unfitted me for a tour at this time. I shall therefore remain a day or two longer, to refit both in health and apparel.

*Philadelphia Gazette.*

## BANK OF THE UNITED STATES.

### THE CIRCULAR.

The following is a copy of the Circular addressed by Amos Kendall to the State Banks:—

AUGUST, 1833.

Sir—I have been appointed by the Secretary of the Treasury, at the request of the President of the United States, to confer with the states banks in relation to future deposits and distribution of the public revenue.

It is deemed probable by the Government, that the Bank of the United States, will not be re-chartered and that no other institution will be established by Congress to supply its place as Agent of the Treasury.

As it is now less than three years to the expiration of its Charter, the President thinks it his duty to look to the means by which the service it now renders to the Government, is thereafter to be performed, and if sufficient reasons shall exist, the Government may desire to employ another Agent, or other Agents, at an earlier period.

The sole object of my appointment is, to ascertain on what terms the several States Banks may be willing to perform the service now rendered by the Bank of the United States to the Government, should it become necessary or expedient to employ another Agent, or other Agents, that the Secretary of the Treasury may, in that event, be able to make a judicious selection.

In pursuit of this object, I have the honour to inquire whether the Bank over which you preside, is desirous, should a change take place, of undertaking that agency, or a portion of it, at ———

If this inquiry should be answered in the affirmative, I am authorised to communicate with you further on the subject.

It is, however, to be distinctly understood, that nothing which may pass, is to be considered a pledge on the part of the Government to remove the deposits from the Bank of the United States, before the expiration of its charter, or to employ your Bank in any event, or to make any final arrangements upon the conditions which may now be proposed or received.

If it be convenient, I shall be happy to know the disposition of your Board of Directors, on the subject; if not, will you do me the favour to give me your own, leaving an expression of the wishes of the Board to some more convenient opportunity.

Very respectfully,

Your obedient servant,

AMOS KENDALL.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 9. PHILADELPHIA, AUGUST 31, 1833. NO. 296.

## REPORT ON THE REVISED CODE.

PHILADELPHIA, December 31st, 1832.

Sir—We have now the honor to transmit to your Excellency our third report, containing two bills on subjects of general importance, and which are supposed to require the early attention of the Legislature, viz:

“A bill relating to Counties and Townships, and County and Township officers.”

“A bill relating to Weights and Measures, and to Admeasurement.”

We expect, in the course of a few weeks, to transmit a fourth report with as many bills as we suppose the Legislature will be disposed to act upon at their present session.

We remain very respectfully,

Your obedient servants,

W. RAWLE,  
T. I. WHARTON,  
JOEL JONES.

To His Excellency Gov. WOLF, &c.

### REMARKS

On the bill entitled “A bill relating to Counties and Townships, and County and Township Officers.”

The bill now submitted to the Legislature, entitled “An act relating to counties and townships, and to county and township officers,” comprises a subject which, perhaps more than any other part of our municipal law, requires the revision and amendment contemplated by the resolutions from which our authority has been derived. In the course of the examination, which it has been our duty to make, of the existing law, we have found upwards of one hundred acts of Assembly, bearing upon the subject, all of them necessary to an adequate knowledge of our internal arrangements, many of them obscure in meaning, some contradictory in their enactments, and some, of which great doubts may exist whether they are operative as laws, or have been repealed by disuse or implication. The provisions of this bill, except such as are new, have been derived from seventy-three acts of Assembly, scattered over the different volumes of our code, and not easily collected even by a diligent inquirer.

It has been our endeavour to digest them into a moderate compass, to arrange them in convenient order, and to add such new provisions as seemed to be called for by the enlarged population and increased intercourse of the state, or to be necessary for the harmonious working of the system. The existing division of the commonwealth into counties and townships, which in its principal features was copied from England, and prevails with little variation throughout the United States, appears to us well calculated, upon the whole, for the public good. In the government of these divisions, however, there is not the same uniformity throughout the Union, nor, indeed, throughout this commonwealth. Certain provisions have been made for particular counties and townships, which do not apply to all, though they appear to us to be generally beneficial in their character. We think it desirable, that the main features of municipal arrangement should be the same throughout the state. We think it also desirable, that townships should be assimilated to coun-

ties, in respect to the mode of government, for the sake of regularity in the system, and because we believe that the present system of county government is, upon the whole, the best that can be adopted for the purpose. It may be proper here to remark, that we intend by county officers, those only who are elected by the people of the several counties, for county purposes. Prothonotaries, Registers, Recorders, &c. being appointed by the Executive of the commonwealth, appear to us to be properly state officers, although acting in and for the several counties; and have, certainly, no immediate connexion with the county organization: They are not, therefore, embraced in the present bill, but will be arranged under a different head.

In the accompanying remarks upon the several sections will be found such further explanation as may be material to a correct understanding of the bill.

Section 1. In this section, we have enumerated the several counties in the state, in the order in which they were established by the successive acts of assembly, beginning with the year 1682, the foundation of the commonwealth, and ending with the act of 2d March, 1831, for the erection of the county of Juniata.

Section 2. In the existing laws, relating to county rates and levies, and in various other acts, the city of Philadelphia is frequently mentioned in connexion with the several counties in the state. We presume that it was not necessary to provide in express terms, that a general regulation for all the counties should embrace the city of Philadelphia, because we suppose that, except for certain corporate or internal purposes, every city forms an integral part of the county in which it is situate. Still, as we find the practice to have prevailed of naming the city of Philadelphia, we have been apprehensive of creating doubts, by an omission of it in this and other bills; and to avoid the necessity of repetition, we have introduced the present section, which, therefore, merely generalizes what already exists in particular provisions.

Section 3. The three and four following sections, suggest some provisions which are new to our statute law, as positive regulations, but which appear to us to be necessary to remove doubts and difficulties which have occurred in relation to the corporate character of counties and townships. It has been several times intimated from the bench, that legislation was necessary on this subject. It is well known, that counties and townships, as such, have frequent occasion to enter into contracts, and to take and hold property; and it is plain, that without some of the capacities and powers of a corporation, great inconveniences must be experienced by them in the transaction of public business. Hence, in some of the states of this Union, we find that counties and townships are treated by the judges as *quasi* corporations; that is, possessed of corporate powers for a few specified purposes only. We are not aware that any opinion has been expressed by our own courts on this subject; and whatever may be the views of professional persons in relation to it, we think that it is expedient for the Legislature to settle the question definitively. By our system, the commissioners of a county are the organs and agents of the people of the county in the transaction of their business. Whether they constitute a corporation, remains unsettled as a general



question. In a very recent case in the Supreme court, (*Vankirk v. Clark*, 16 Sergeant & Rawle, 286) it was said by Judge Duncan to be a question of nice discussion, meriting attention and consideration. In two recent acts, one relating to the county of Lancaster, the other to the county of Allegheny, the Legislature have expressly declared the commissioners to possess corporate powers, so far as relates to those counties only. We think the remedy ought to be as general as the inconvenience, and we propose to attain it by a course in accordance with the system adopted in some of the sister states, and already alluded to. We think that it will be found advantageous to declare every county and township a body corporate for certain purposes, and with certain express powers adequate for all necessary purposes, but limited in extent. This is the object of the third section. In the fourth, we have provided that the corporate powers of the several counties and townships shall be exercised by the commissioners or supervisors thereof respectively; who by the fifth section, are to conduct and defend all suits to which the county or township is party. In the sixth and seventh sections, we have provided the means of giving effect to judgments against counties or townships. In the present state of the law, considerable difficulty exists in this respect. The mechanic or tradesman who deals with the commissioners or supervisors, in their official character, has no ascertained remedy at present to obtain payment of his demand, but the tedious and expensive course of an application to the Supreme court, for a mandamus; which, if obtained, may be, from various causes, altogether unavailing. This is an evil with which we think our land ought not to be any longer reproached. We would not, however, subject the property of a county or township to execution upon a judgment, because great public inconvenience might be the result. We propose, instead of this, to give power to the court in which judgment may be obtained, to issue a writ requiring the commissioners or supervisors, as the case may be, to cause the debt to be satisfied out of any unappropriated moneys, or out of the first that may be received, and to enforce obedience to the writ by attachment. In suits before justices of the peace, the plaintiff may have the same remedy, by filing a transcript of his judgment in the proper court. We think that these provisions will have the advantage of, at least, greater expedition than at present exists, without increasing the liabilities of counties or townships, except in cases of demands ascertained to be just.

In thus conferring upon counties and townships certain corporate powers, we think that the Legislature will not incur any risk of the inconveniences or dangers for the public which are supposed to be incident, in many cases, to corporations. The powers thus granted are limited in number and extent. They can be exercised only by persons elected by the people, and renewed in rotation every year, and who are liable to various checks and control. Necessity, as we have intimated, has led the courts of justice in other states to assume that counties and townships possess, by their nature, certain corporate faculties; but we think it safer, and more consonant with the theory of our government, for the Legislature to grant such powers as may be necessary and proper; taking care at the same time, to impose such restraints as may prevent their abuse.

Section 8. In this section we have adopted the provision of the act of 1705, (1 Smith L. 49) which declares that "there shall be a county seal for each county of the province;" and we have provided in addition, that the seal shall be in the custody of the commissioners of the respective counties, and that their proceedings shall be authenticated by it.

Section 9, Provides that the title to the court houses and other county buildings shall be taken, to be vested in the respective counties, for the use of the people thereof. There exists in the present laws a singular diversity upon this subject. By an act passed on the 28th of

February, 1780, (1 Sm. L. 485) the jail, prisons, work-houses, and lots of ground on which they stand, in the counties then existing, were vested in the commonwealth. Those counties were eleven in number. In certain other counties, the public buildings are vested in trustees for the use of the county. In others, the title is in the commissioners and their successors in office. The acts upon this subject, which we have had occasion to consult, are forty in number; few of them being similar in their terms. It appears to us that the provisions in this respect should be uniform throughout the state, and sufficiently explicit to remove all doubt with relation to the legal estate in this property, and to the duty of taking charge of it. The character of counties, as bodies corporate, being established by this bill, if the Legislature shall adopt our suggestions, there will be no necessity for the intervention of trustees, and the management of the property is the subject of the two following sections.

Sections 10 and 11. The powers and duties of the commissioners, in this respect, do not appear to us to be sufficiently defined at present. One of our earliest acts declared there should be a "work-house" "in each respective county of the province," (act of 1705, 1 Sm. 56.) By the act of 1724, §4, (1 Dallas Ed. 212,) the commissioners of each county were authorized to raise money "to defray the charges of building and repairing of court houses, prisons, work houses, bridges," &c. In the case of the commissioners of Allegheny county vs. Lecky, (6 Serg't & Rawle, 166) it was made a question whether this provision was still in force, but the court did not decide it. The act of 27th March, 1790, (2 Sm. 520) authorizes the commissioners to erect suitable buildings in every county for the safe keeping and preservation of the public records; and the act of 4th April, 1807, (4 Sm. 394) requires them to erect such additional buildings as may be necessary, for the purposes of a county jail. The duty of repairing and keeping in order the public buildings is, we believe, generally understood to belong to the commissioners. The provisions now suggested, are intended to confer upon them the power of erecting such buildings as are necessary for the business of the county, and of adding to them from time to time, as occasion may require. To prevent, however, any needless or extravagant expenditure, the previous sanction of the court of Quarter Sessions and of the grand jury is required. It is also made the duty of the commissioners, to maintain the public buildings in sufficient order and repair.

Section 12. The 12th section makes it the duty of the officers therein mentioned, to keep their offices and public papers in the public buildings at the seat of justice of the respective counties. The constitution of this state, (Art. 5, Sec. 3) requires certain of those officers to keep their offices at the county town; and the act of 1790, (2 Sm. 520) makes it their duty to keep their offices and papers in the public buildings of the county. Considering the reasons for these acts to apply equally to all the county officers, we have extended the provisions to commissioners, auditors, treasurer and sheriff, and altered the penalty from two hundred pounds to five hundred dollars.

Sections 13 and 14, Relate to the erection of new townships, and the alteration of the lines of old townships, and are taken, with several verbal alterations, from the act of 24th March, 1803, (4 Sm. 30.)

The next title of the bill relates to county officers, who are thus arranged.

1. County Commissioners.
2. County treasurer.
3. County auditors.
4. Sheriff and coroner.

Under these heads, we have collected and arranged the existing provisions of the law, relative to the election or appointment, qualifications, tenure of office, compensation, and general duties of these officers, and



have added some new regulations, which will be the subject of remark in their order. The particular duties of county commissioners and others, in relation to county rates and levies, elections, education, &c. will be arranged under the proper titles in future bills.

Section 15, Is derived, with no material alteration, from the 2d section of the act of 11th April, 1799, (3 Sm. 393.)

Section 16, Is derived from the same section. We have added to the cases mentioned in that section, two others, viz: the failure to elect and the removal of the commissioners from office. We have also, in this and others parts of the act, substituted the court of Quarter Sessions for the Common Pleas, as the proper tribunal for the appointment of county officers and for other proceeding in relation to them. The judges are the same in both courts but the Quarter Sessions appears to us better fitted in its character for the transaction of municipal business, than the Common Pleas, which is mainly concerned in the settlement of private rights.

Section 17. In this section we have followed the 3d section of the act of 1799, providing for an official oath or affirmation to be taken by the commissioners. In this and other cases in the bill, we have altered the oath so as to make it conform to that required by the constitution of the United States, and of this state.

Section 18, Corresponds with the 7th section of the act of 1799, with an addition requiring the commissioners to assemble at the seat of justice of the proper county.

Section 19, Is nearly the same as the 15th section of the act of 1799.

Section 20, Is derived from the 11th section of the act of 1799.

Section 21, Is copied from the 26th section of the act of 1799, with an addition, requiring the proceedings to be certified by the clerk.

Sections 22 and 23, Are copied from the 27th section of the act of 1799, with slight verbal alterations.

Section 24, Contains the provisions of the 27th and 23d sections of the act of 1799, somewhat enlarged.

Section 25, Is derived from the 2d section of the act of 23d March, 1811, (5 Sm. 219.)

Section 26, Is copied from the act of 18th June, 1821, §6, (7 Smith, 345,) with the exception of the provision respecting the county of Philadelphia, which, with other local provisions, not coming within the sphere of our duties, are left by a general section, upon the footing on which they now stand.

## 2. County Treasurer.

Section 27, Is derived from the 13th section of the act of 1799, and from the act of 12th April, 1825, (P. L. 247.)

Section 28. The first part of this section is derived from the 13th section of the act of 1799. The provision excluding commissioners and auditors, which by the acts of 29th March, 1819, (7 Sm. 233) and 2d April, 1821, (Id. 463) extended only to the counties of Philadelphia and Bucks, is here made general. We think that the reason for the exclusion applies to all parts of the state. The last clause of this section is taken from the act of 12th April, 1825, which we have extended to all accounts of the county treasurer with the commonwealth.

Section 29, Is copied from the 1st section of the act of 28th March, 1803, (4 Sm. 35.)

Section 30. This section is copied from the act of 12th April, 1825, (P. L. 248) with an alteration which extends the provision to all cases, in which a person may be disqualified by law from receiving the appointment of county treasurer.

Section 31, Is derived from the 23d section of the act of 30th March, 1811, (5 Sm. 228) with an alteration, transferring the duty of forwarding the certificate from the recorder to the commissioner.

Section 32, Is derived from the same section of the

act of 1811. We have added a clause forbidding the treasurer to act until he shall have given bond, with surety, as afterwards provided.

Section 33, Is copied from the 13th section of the act of 1799.

Section 34. In this section we have required the county treasurer to give a separate bond to the commonwealth to secure the moneys that may come into his hands on behalf of the state. We have here consolidated the provisions of the acts of 15th April, 1828, (P. L. 491) and 25th March, 1831, (P. L. 208, 210) and extended them to all cases in which that officer may be the agent of the commonwealth.

Section 35, Is derived from the act of 15th April, 1828.

Section 36, Is copied from the 10th section of the act of 1831.

Section 37, Is copied from the 14th section of the act of 1799.

Section 38. In this, and the two following sections, we have endeavored to methodize the duties of county treasurers, in their relation with the commonwealth, and to subject them to more effectual control or supervision. The act of 4th March, 1824, (P. L. 34) requires them to keep separate accounts of all moneys received, for licenses to retail rs of foreign merchandise. In the 38th section, we have extended the provision to every case in which money may be received by them on behalf of the commonwealth, and directed separate accounts to be kept in each case; which we think will be serviceable as a check upon the officer, and as a source of information to the Legislature and the public. In the 39th section are contained certain provisions, regulating the manner of rendering accounts to the Auditor General, which are at present contained in eleven acts of Assembly, viz:

Act of March, 1811,	5 Sm. L. 228
2d April, 1821,	7 Sm. L. 473
2d April, 1822,	Id. 647
4th March, 1824,	Pamph. L. 34
12th April, 1825,	do. 247
7th April, 1826,	do. 228, 230
2d April, 1830,	do. 147
do. do.	do. 160
7th April, 1830,	do. 387
25th March, 1831,	do. 206
do. do.	do. 209

By these acts, it is made the duty of each county treasurer to report annually to the Auditor General. We have added a provision, requiring him to report at such other times as the Auditor General may require. In the 40th section, we have directed the county treasurer to pay over to the state treasurer quarterly, instead of annually, as the law now stands. Whatever may have been the propriety of annual payments, at a period when county treasurers were accountable only for the small sums payable by tavern-keepers and hawkers and pedlars, it appears to us that more frequent settlements are necessary at the present time, when their responsibility to the commonwealth is so largely increased.

Section 41, Is copied from the 14th section of the act of 1799.

Section 42. In the 42d section we have endeavored to place the compensation of county treasurers, as agents of the commonwealth, on an equitable basis. The acts of 1811, 1821, 1830 and 1831, already cited, allow him a per centage on moneys received and paid over for the commonwealth, varying in some respects, according to the source from which they are derived. We think that the compensation should be regulated by the amount paid over, and neither be below the proper remuneration for the labor and responsibility of the office, nor out of proportion with the general standard of emolument of public officers in this state. The rate which we have suggested in this section has been adopted in conformity with these views, and appears to us, on the



whole calculated to furnish an adequate compensation to the county treasurers in all parts of the state.

Section 43, Is copied from the 23d section of the act of 1799.

Section 44. This section is copied from the 1st section of the act of 21st March, 1806, (4 Sm. 324) with a verbal alteration, which is intended to remove any doubts relative to the object of the legislature in forbidding commissioners and treasurers from engaging in the construction of public works. We have also added a provision that a commissioner or treasurer, after conviction of the offence stated, shall be judged to be removed from office, because it appears to us that the public dignity and the interests of the county require that under such circumstances he should not be allowed to retain the situation.

### 3. County Auditors.

Sections 45 and 46, Are derived, with slight alterations, from the act of 7th February, 1814, (6 Sm. 103.)

Section 47, Is derived from the 8th section of the act of 1791, (3 Sm. 15) with the alteration in the oath already adverted to, and with an addition requiring the oath or affirmation to be filed in the office of the clerk of the Quarter Sessions, in like manner as is now required in the case of the commissioners. It appears to us that uniformity is desirable on this and other points.

Section 48, Is composed from the 2d section of the act of 16th March, 1809, (5 Sm. 19) with slight variations.

Section 49, Is copied from the 1st, 2d, and 5th sections of the act of 1791, and the 2d section of the act of 20th March, 1810, (5 Sm. 161.)

Section 50. This section, which is new in terms, declares the duty of auditors in respect to the accounts of commissioners, treasurers, and sheriffs, with the state treasury. The subject of the relations of county officers with the executive of the state, to which we have already briefly adverted, is an important one, little understood, and requiring, we think, the early attention of the legislature. For some considerable period after the revolution, taxes appear to have been levied in the several counties for the use of the state, and through the agency of the county officers. The 7th section of the act of 1791 requires the auditors to transmit to the Comptroller General duplicates of all assessments made for state taxes, and to the State Treasurer a transcript of so much of their settlement as contains the account of moneys levied for state purposes within the county; state taxes having been repealed, no other moneys were collected in the counties for state purposes, than those which were derived from licenses to hawkers and pedlars, and tavern keepers, and from fines and forfeited recognizances. Until within a few years therefore, the state had but a limited interest in the just settlement of the accounts of the county officers. Since the acts levying a duty on retailers of foreign merchandize, or collateral inheritances, and on real and personal property, a material change has taken place in the responsibility of county officers, requiring a corresponding supervision on the part of the state. It has become material that a system of examination and control should be established, which may prevent abuses on the part of county officers. By the act of 1811, the Auditor General is invested with large powers to compel settlements; but, at a distance from the county seats, his means of investigation must, after all, be limited. We propose in this bill to give him the aid of the county auditors in the settlement of all accounts between the state and its agents in the different counties; by making it the duty of the latter to settle their accounts in the same manner as if they were the accounts of the officers with the county. In the case of commissioners, treasurers, and sheriffs, this duty is required to be performed by them, without special directions; and we propose besides, to give the Auditor General power to refer to them the settlement of the accounts of prothonotaries, registers,

recorders, &c. if he shall deem it necessary or expedient. It is not intended to take from him any supervisory power, but merely to render the auditors auxiliary to him, and we think they will be found useful in the investigation of these accounts. It will be seen from the succeeding sections that their report is to be filed in the Common Pleas; to which tribunal, an appeal may be taken by the commonwealth, the county or the officer. We trust that these provisions with those which we have introduced into the title of county treasurer, with a view of protecting the financial interests of the commonwealth, will be acceptable to the legislature.

We desire to add, that in the preceding remarks it is not intended to suggest that any instance has occurred of delinquency on the part of any county officer, in respect to the moneys of the commonwealth. We are not aware of any such case, and have been governed in our suggestions only by the general and well established principles of our system.

Section 51, Is copied from the 2d section of the act of 1791, with an addition giving auditors the like power to obtain the attendance of witnesses, as are possessed by the courts of Common Pleas.

In the 10th section of the act of 1791, the auditors are referred to the Common Pleas for the necessary process to obtain the attendance of witnesses residing in another county. It has appeared to us, that the auditors ought to possess this power, which it is believed they are not likely to abuse, and that the want of it may produce great inconvenience if the court should not happen to be in session. For similar reasons, we have, in the 52d and 53d sections, authorized the auditors to administer oaths and affirmations, and to commit to the county prison in case of refusal to answer.

Section 54, Is copied from the 8th section of the act of 1791.

Section 55, Is derived from the 4th section of the act of 1791.

Section 56, Is derived from the 5th section of the act of 1791.

Sections 57 and 58, Are derived from the 5th section of the act of 1791. We have altered the original provision, so as to give the right of appeal to the commonwealth and the county, as well as to the officer. In the case of "The Commissioners of Mifflin county v. Brisbin," (2 Penn. Reports, 430,) the Supreme court was compelled, by the terms of the act of 1791, to decide that there was no right of appeal by the county; we think that each party should have the right. In the 58th section, we have extended the time for appealing, in the case of the commonwealth, to four months; which we think is called for by the distance of the seat of government from some of the counties.

Section 59, Is copied from the 6th section of the act of 1791.

Section 60, Is intended as a substitute for the 7th section of the act of 1791, to which we have already adverted, and has been introduced for the purpose of giving the Auditor General notice of the settlement of the accounts.

Section 61, Is copied from the 6th Section of the act of 18th January, 1821, (7 Sm. 345,) omitting, for reasons already stated, the provisions relating to the county of Philadelphia.

Section 62, Is copied from the 8th section of the act of 1791.

### 4. Sheriff and Coroner.

Section 63. Is derived from the act of 28th March, 1803, §1, (4 Sm. 45)

Section 64. The act of 1803 specifies the amount of security to be given by the sheriffs of the several counties therein enumerated, 28 in number. In one of them, viz. Huntingdon, the amount of security has been increased by an act passed on the 30th of March, 1822, (7 Sm. 522.) Since the act of 1803, 23 counties have been organized, and provisions have been made by law



for the security of their respective sheriffs. In some of the acts passed for this purpose, there appears to be a great want of precision and certainty. Thus, the act of 2d April, 1803, provides that the sheriffs of Beaver, Butler, Mercer, and Erie, shall respectively give the same security as the sheriffs of Allegheny and Crawford. Now, by the act of 28th March, 1803, the security to be given by the sheriff of Allegheny is \$10,000, and that of the sheriff of Crawford is \$5000; it is difficult, therefore, to ascertain upon what basis the amount of security in the four counties above mentioned is taken. Again, by the several acts for organizing M'Kean, Tioga, Bradford, and Susquehanna counties, it is declared, that the security of their respective sheriffs shall be taken "in the like sums," "as in the other organized counties of the commonwealth." As the amount of security, however, varies in the several counties, from \$60,000 in Philadelphia to \$5000 in Crawford and other counties, similar difficulties, we suppose, must exist in ascertaining the proper standard in M'Kean, and the three other counties mentioned. In relation to the 28 counties enumerated in the act of 1803, we have followed that act in the amount of security, with the exception of Huntingdon; not because we supposed the amount to be adequate in every instance for the present day, but for want of sufficient information to enable us to arrive at a better standard. Since that act, the population of the state has doubled itself, and the increase in wealth and business has, in all probability, been equally great. Some increase in the amount of the security of sheriffs seems therefore expedient; but we have thought it best, upon the whole, to report the bill with the present sums, leaving it to the Legislature to make such alteration as the interests of the several counties may seem to their representatives to require. The same remark may be made of those counties which have been organized since the act of 1803. We have followed the several acts where the sum was ascertained. In the cases alluded to, where the sum remains uncertain, we have taken the amount which we supposed to be nearest to the intention of the Legislature.

Section 65, Is copied from the 3d section of the act of 1803, with a slight verbal alteration.

Section 66, Is copied from the same section, with the omission of the words "after he shall have been duly commissioned sheriff," &c. which are not in the recognizance, and appear to us an unnecessary restriction, and calculated to interfere with the provisions of a succeeding section.

Sections 67 to 70. These sections are derived from the 1st, 2d, 3d, and 7th sections of the act of 1803, with some slight verbal alterations, not affecting the substance of the original provisions.

Section 71, Is new to our code. The first clause of this proviso exists, however, in the laws of Ohio, and probably in those of other states, and appears to us to be worthy of incorporation with our system. The importance of the office of sheriff to the community, is shown by the amount of security which he is required to give; and it is material that those who are called upon to exercise a degree of supervision or control over sheriffs, or who are otherwise concerned in the administration of justice, should not be allowed to connect themselves with the officer, in the way of suretyship at least, so as to disturb or even throw doubts upon their impartiality, or to create embarrassing relations of business with him. The last clause is intended as an additional means of obtaining sufficient security for the public against misconduct in either sheriff or coroner.

Section 72. This section is similar in substance with the 2d section of the act of 1803.

Sections 73 and 74. The 73d and 74th sections contain some new provisions. We consider it important for the public, that the commission of the sheriff shall be placed on record in some convenient place, to which the people may have easy access; and that every possible check should be imposed upon the exercise of the

office, before a commission shall have been received and recorded. It will be seen by a subsequent section, (S. 75,) we have provided that the recorder of deeds shall certify the recognizance to the prothonotary of the Common Pleas, in order that it may be entered on the judgment docket. It may happen, however, that a commission may not be granted, although the recognizance has been given and approved by the judges, because the governor is still to judge of the sufficiency of the sureties. In such case, there would be at least a nominal lien on the property of the parties, which it would not be easy to discharge. By providing, however, that the sheriff shall cause his commission to be recorded, and that after the receipt of the commission, the recorder shall certify the recognizance to the Common Pleas, the occurrence of this difficulty will be prevented.

In the 74th section, we have introduced a provision varying materially from the act of 1803, the 5th section of which provides, that "until sureties shall be given in manner aforesaid, all commissions granted to, and all acts and things, whatsoever done by any such sheriff or coroner, under color of office, shall be void and of none effect." The object of this section of the act of 1803, is to prevent sheriffs elect and others from undertaking any act, as such, before giving security; and so far it is undoubtedly right; but it is so worded as to produce inconveniences to the public which were not anticipated. In the case of *Young vs. the Commonwealth*, (6 Binn. 88,) it was decided by the Supreme Court, upon the construction of this section, that the sureties of a coroner were not liable on his official bond for his misconduct in office, in a case in which a recognizance had not been given. Chief Justice Tilghman, after citing the 5th section of the act of 1803, said—"This bond, by the express terms of the condition, is to have no effect until Samuel Young shall be duly commissioned coroner, &c. But a void commission is no commission; therefore, by the positive provision of the law, there can be no recovery on the bond, unless accompanied with a recognizance. This may be attended with excessive hardship when the officers of the commonwealth have been so inattentive as not to see that the law has been complied with, before the commission issues, or, at least, before any process is put into the hands of the sheriff or coroner: and it may be doubted whether the Legislature, in their anxiety to enforce security, may not have gone further than was necessary. The subject is well worthy of their consideration; for, as the law stands, both individuals and the public may be subject to great injury, from the hardship of a sheriff or coroner, who presumes to act without having given the requisite security." To prevent the recurrence of similar difficulties, we have struck from the condition of the bond, the words which limit the liability of the sureties to acts done after a commission granted; and we propose, in this section, to inflict a penalty upon any sheriff or coroner elect, who shall undertake any of the duties of the office, before a commission shall be granted to him; reserving, however, the liability of the sureties, for all acts done by color of office.

Section 75, Is derived from the 4th section of the act of 1803, with the addition of a few words, which limit the lien of the recognizance to the county in which it was given. The words of the act of 1803 are broad enough to extend the lien to all the real estate of the parties throughout the commonwealth. We doubt whether this was the intention of the Legislature, and we think it has not been so considered in practice. Certainly it has been the object of all other acts regulating liens, to carry notice with them, which cannot be effected in this instance. Under the present law, we suppose that real estate lying in the county, is only or chiefly considered in determining the competence of a surety. We propose, therefore to limit the lien to the county; and in order to give more effectual notice we require that the recognizance shall be certified to the



prothonotary of the Common Pleas, in whose office it is to have the effect of a judgment.

Section 76, Is copied from the 7th section of the act of 1803.

Section 77, Is derived from the 6th section of the act of 1803. We have altered the last clause, however, so as to authorize the judges of the Common Pleas to determine the amount in which security shall be given. It appears to us that the length of time for which the commission is to be granted, will not always be found a just measure of the security, and that the court of the county will generally have the best means of determining the question.

Section 78, Is derived from the 6th section of the act of 1783, (2 Sm. 85,) and the 26th section of the act of 1811, (5 Sm. 234,) with some alterations, in which we have extended the duty, so as to embrace all moneys received for the use of the commonwealth, and to require an account thereof whenever the Auditor General shall exact it.

Section 79. This section is new. Considerable inconvenience at present exists for want of some provision respecting the books of sheriffs after the expiration of their office. Many entries of great importance or interest to suiters are contained in these books, which, after they leave office, are generally carried with them to their respective places of residence, and difficulties are frequently experienced in obtaining access to them. Some consideration, we think also, is due to the sheriff's sureties, who by the loss or concealment of his books, may be disabled from proving facts of material importance to them. This section is suggested with the hope that it will be effectual to remove an inconvenience generally experienced.

Sections 80 and 81, Are derived from the 9th and 10th sections of the act of 1803.

### 3. Of Township Officers.

The remaining sections of the bill relate to township officers. It has been our object, as we have already mentioned, to assimilate townships in their structure and organization to counties; the principal materials for which already exist in certain local provisions which have from time to time been enacted by the legislature, and which we have merely generalized. The cases of township auditors and town clerk furnish an example of this. Both were originally established in certain districts only, but as experience showed their utility, they have, by successive acts, been extended over the principal part of the state. It will be seen that the choice of township officers is not made imperative upon the people. It has appeared to us best, to leave it to the judgment of the inhabitants of the several townships to determine whether they will elect these officers or dispense with them. In some townships, most of them are already sufficiently familiar and well approved. In others, it may be the work of time to make their benefits obvious, but we think that all will sooner or later fall into the adoption of the system if it shall receive the sanction of the Legislature.

Section 82. In this section we have enumerated and classed all the township officers already existing, or which we think it for the public interest to provide. In the term of office, we have followed the existing provisions.

Sections 83 to 87. In these sections we have generalized certain provisions of the present law, which appeared to us susceptible of being brought into a common rule. In the 84th section, we have thought it expedient to limit the power of appointment of treasurer and clerk, to cases in which at least thirty electors shall apply for the exercise of it. It may happen that the electors of a township may not think the particular office necessary or expedient; and in such case, we should not think it proper for the court to interfere. If occasion should exist in the opinion of thirty electors, we would make

it lawful for the court to appoint, if they thought the interests of the township required it.

#### 1. Assessors.

Sections 88 and 89, Are derived from the 5th and 6th sections of the act of 11th April, 1799, (3 Sm. 393.)

Section 90. The first clause of this section makes general a provision, originally designed for the city and county of Philadelphia alone, (act of 2d April, 1822, §3, 7 Sm. 558,) but which we think ought to be of general application. The last clause is copied from the 22d section of the act of 1799.

#### 2. Supervisors.

Section 91. In this and other sections, we have denominated these officers, supervisors merely; omitting the words in the present laws which seem to limit their duties to the roads and highways of the township. It appears to us, that they may properly stand in the same general relation to townships, that commissioners do to counties; having the superintendence and charge of the affairs of the township generally, though especially intrusted with the care of roads and highways. We find another motive for an enlargement of the sphere and functions of these officers, in the consideration of a subject of great public interest and importance. We trust that the time is not far distant, when the education of children will become the business of every township in the state, and when school houses, with competent teachers, will be erected in convenient districts. The present system is generally conceded to be defective; but in no point does it appear to us more susceptible of amendment, than in that which devolves the charge of this subject upon county commissioners, who, from their limited number, the pressure of other duties or pursuits, and the great extent of counties in general, are incapable of giving to it that attention which we think its paramount importance deserves. The experience of other states demonstrates, that to rendered education accessible to all, it is necessary to establish school houses in small districts. It is not necessary, we think, to create any new offices for the purpose. The supervisors of a township, organised on the plan of this bill, will, we submit, be the proper and competent agents of the people in this and other general concerns of the township. We have not, however, in this bill made any express reference to the subject of education, in connexion with the duties of supervisors. It appeared to us sufficient, in this place, to provide for the incorporation of townships, and for the enlargement of the functions of supervisors, leaving it to the Legislature hereafter, to make use of their agency in carrying into effect any system of education they may think proper to adopt.

We may add here, that we have not considered ourselves at liberty to dispense with the separate office of overseers of the poor, although we are not satisfied that any necessity exists for its continuance; we see no substantial reasons why the office should not be united with that of supervisors. The system would be more simple, attended probably with less expense and fewer inconveniences, if supervisors were assimilated in all respects to commissioners of counties, and had the charge of education, of the poor, and other township matters, as well as roads and highways. Their number might then be increased to three, and their term of service enlarged to three years, as in the case of commissioners. Should the Legislature be disposed to consolidate the offices in the manner suggested, the change can be effected with very slight alteration in the present bill.

Section 93, Is derived from the 12th section of the act of 1802.

Section 94, Is derived from the 23d section of the same act.

#### 3. Overseers of the Poor.

Sections 95 and 96, Are derived from the 16th and 14th sections of the act of 9th March, 1771, (1 Sm. 332.)



#### 4. Township Treasurer.

Section 97. In this and the three following sections, we have proposed the appointment of an officer similar in character and functions to the county treasurer, for the fiscal business of the several townships. The present scheme of township organization appears to us to be seriously defective, especially in regard to the management and control of the township funds. Whether the amount be great or small, we think that there ought to be a sufficient check upon the raising of money in the first instance, and afterwards upon its expenditure. Now, as the law stands, we find that the supervisors of the roads, and the overseers of the poor, possess, separately, the power of levying taxes for the purposes of their respective offices, the collection of those taxes, and the personal appropriation of the funds, without any other check or control than that which arises from the examination of their accounts by the freeholders chosen under the act of 1802, or by the township auditors in certain counties, under certain special acts already adverted to. By some other local provisions, supervisors are required to give security for the due appropriation of the moneys that may come into their hands. To supply the defect, and guard against probable abuses, we propose the appointment of a township treasurer, who shall receive and be accountable for all moneys accruing for township purposes, and who shall give adequate security therefor. We think that economy and regularity in accounts will be promoted by the creation of this office. We propose that the officer shall be annually elected by the people, and shall give security to the satisfaction of the supervisors and overseers of the poor. In the details of his duties and liabilities, we have followed the provisions relating to county treasurers.

#### 5. Town Clerk.

The act of 13th April, 1807, (4 Sm. 472,) provided for the election of a town clerk in the counties of Philadelphia, Bucks, Chester, Lancaster, Northampton, Wayne and Delaware, and prescribed his duties. By the act of 20th March, 1810, the provision was extended to the counties of York and Montgomery. In 1813, (6 Sm. 59,) it was extended to all the counties in the state, excepting Erie, Crawford, Warren, Mercer, Potter, Schuylkill, Butler, Adams, Allegheny, and M'Kean; and by the act of 5th March, 1819, (7 Sm. 159,) seven of these ten counties were included in the provision. There remain, therefore, only three counties to which the act of 1807 does not apply. It appears to us that the power to elect this, and other township officers, should be general and uniform. We have already remarked, that from the phraseology of these sections, it will be optional with the inhabitants of a township to elect these officers, or dispense with them.

Section 101, Provides that the town clerk shall, *ex officio*, be clerk to the supervisors and overseers, and declares his duty in this respect. This provision is new, and has been suggested by the considerations already adverted to, respecting the present want of control over the proceedings of supervisors and overseers. The town clerk will record their proceedings and keep their accounts, and will thus furnish, it is believed, both a guide to them in respect to their duties, and a check upon irregularity or abuse.

Section 102, Is taken from the first section of the act of 1807, with some alterations, which adapt it to the system contemplated by the bill.

Section 103, Is taken from the 1st and 6th sections of the same act. We have altered the original provision so far as to authorise a fee of ten cents for a search in the books of the town clerk, conceiving that he ought not to be expected to give his services gratuitously, and that those who derive a benefit from his records should pay a reasonable compensation therefor.

#### 6. Township Auditors.

Section 104, This, and the four following sections,

merely generalize certain local enactments which we think have been found by experience to promote the public good. The first act passed on the subject, authorised the choice of township auditors in the counties of Northumberland, Centre, Venango, Beaver, Crawford, Mercer, Allegheny, Berks, and Schuylkill, (Act of 14th January, 1830, P. L. 26.) Since that date they have, by successive acts, been extended to the counties of Susquehanna, Luzerne, Warren, Huntingdon, Tioga, Clearfield, Butler, Montgomery, and Chester; and we now propose to authorise the citizens of every township in the state to elect auditors; and define the duties of the persons so elected. In section 107, we have assimilated their authority to that of county auditors, and in section 108 they are allowed similar compensation. We have directed, in section 105, that their report shall be filed with the town clerk, supposing that in his hands it would be more accessible to the people of the township, than if filed with the clerk of the Quarter Sessions. In section 106, an appeal is provided from their report, in the same manner as in the case of county auditors.

#### Constables.

The provisions under this head are mainly derived from the existing laws, so far as they respect the appointment of this officer and his security. Those which relate to his duties in the administration of justice, &c. will be found in a future bill.

Section 109, Is derived from the 6th section of the act of 1st March, 1799, (3 Sm. 356.)

Sections 110, 112, and 113, Are copied from the 29th section of the act of 20th March, 1810, (5 Sm. 173.)

Section 111, Is derived from the 29th section of the act of 1810, the 3d section of the act of 29th March, 1824, (P. L. 172,) and the 4th section of the act of 1808, (4 Sm. 531,) with slight alterations. The proviso in the 29th section of the act of 1810, which declares that "no person shall be permitted to serve as constable more than three years in any term of six years," having, by various acts, been repealed with respect to many counties of the state, and perhaps by implication from the act of 28th March, 1820, not being operative in any part of the state, we have not introduced it into the present bill.

Section 114, Is derived from the 29th section of the act of 1810, with an alteration taken from the 3d section of the act of 1824.

Section 115, Is taken from the act of 28th March, 1820, with an alteration limiting the power of a special deputation to the case of a civil suit or proceeding; which we suppose was the intention of the act.

Section 116, Is taken from the act of 4th of February, 1830, (P. L. 36.)

Section 117. In this section we have provided, by a general rule, for the mode of recovering pecuniary penalties imposed by the bill, and not otherwise provided for. It appears to us, that in the case of public officers, the proceedings should generally be in the court of Quarter Sessions.

Section 118. The design of this section is to preserve the operation of a numerous class of local provisions contained in acts of Assembly. We have felt considerable embarrassment in deciding upon the proper course to be adopted in relation to these laws. To preserve them, will mar the uniformity of the law as actually administered, and may tend to lay the foundation of an irremediable diversity in the usages of the commonwealth. On the other hand, were we to propose their repeal, it might be thought to be an undue enlargement of the scope of the resolutions under which we act. It might also interfere essentially with the wishes and convenience of the people of the cities and other districts to which they respectively apply. There may also be differences of situation with which we are not acquainted, requiring different legislative provisions. These considerations have prevailed with us to introduce



this concluding section, and to leave the subject to those especially interested, to decide how far the general scheme proposed in this bill will be an advantageous substitute for these local acts. If the system proposed shall be found to work well, we suppose that, ultimately, local provisions inconsistent with it will be repealed by the Legislature.

In conclusion, we would repeat, by way of guarding against misconception of the scheme of the present bill, that it is not intended to embrace the details of special duties, belonging to certain officers by common law, or assigned to them by acts of Assembly. Many subjects, which may at first sight appear to have been overlooked by us, have been duly considered, and appropriated to other titles, with which we conceive that they may be more conveniently incorporated. Thus, the duties of county commissioners and treasurers in relation to unseated lands, of sheriffs and constables in the execution of process in civil cases, of supervisors in respect to roads and highways, and of town clerks in regard to strays, and the like, will be the subject of bills, which we hope before long to submit to the Legislature.

[The draft of the act will be inserted next week.]

From the Bedford Enquirer.

#### TURNPIKE CONVENTION.

Agreeably to public notice, the delegates from the several Turnpike Road Companies, hereafter named, met at the court house in the borough of Bedford, on Wednesday, 12th June, 1833, at 10 o'clock, A. M.

The Convention was organized by appointing George Plumer, President; Christian Garber and Alexander Johnson, Vice Presidents; and John Y. Barclay and James M. Russell, Secretaries. It was then moved and ordered that the credentials of the members be presented, and their names called, whereupon it appeared that the following named gentlemen were duly appointed for their respective Companies, viz:

For the Washington and Williamsport Company—Samuel Hill, Joseph Barr.

For the Somerset and Bedford Company—Henry Black, James M. Russell.

For the Somerset and Mount Pleasant Company—John Gebhart, Jacob Lobingier.

For the Robbstown and Mount Pleasant Company—George Plumer, Henry Null.

For the Huntingdon, Cambria and Indiana Company—George Mulhollan, jr., Christian Garber.

For the New Alexandria and Conemaugh Company—James Long, Joseph Cook.

For the Pittsburg and Greensburg Company—David Shields, Dunning R. McNair.

For the Pittsburg and New Alexandria Company—James Murray, Samuel Jack.

For the Stoystown and Greensburg Company—John Y. Barclay, Alexander Johnson.

For the Bedford and Stoystown Company—John Clark, Richard Ewalt.

For the Mount Pleasant and Pittsburg Company—James Estep, Jesse Lippincott.

For the Pittsburg and Butler Company—Hugh Davis. All of whom were present, except Messrs. Shields and Mulhollan.

The Convention was then addressed by the President, and by Mr. Barclay who stated the object of the convention, and explained the motives of the managers and stockholders with whom the call originated; whereupon, on motion of Gen. Murray, it was

Resolved, That a committee of seven members be appointed to arrange the business to be brought before the convention, and to make report at 2 o'clock, P. M.

And, the president having appointed Messrs. Murray, Gebhart, Estep, M'Nair, Hill, Russell, and Barclay, to compose the committee, on motion of Mr. Gebhart, the convention adjourned till 2 o'clock.

At 2 o'clock, the convention having re-assembled, Messrs. Thomas McDowell, and James McDowell, delegates from the Chambersburg and Bedford Company,

presented a certificate of their appointment and took their seats.

Gen. Murray, from the committee appointed in the forenoon, made report as follows, viz:

"The committee appointed to arrange the business to be brought before the convention, respectfully report—

First—That the inequality of tolls charged by the managers of the several companies represented in this convention, is a subject of primary importance for the consideration of the convention—it being very desirable, in the opinion of the committee, that the tolls should be equalized, and it appearing to the committee that the tolls paid by stage owners vary from one half to full tolls.

Second—That in the opinion of the committee, the convention should consider the propriety of having prepared and presented to the next Legislature a memorial from this convention, from the several boards of managers, and from the individual stockholders of the different companies, representing the true situation of the companies, and praying that an appropriation of a sufficient sum to discharge the debts of the companies may be made, in such manner as the Legislature may deem just."

Mr. Gebhart moved the second reading and consideration of the report; and after some desultory remarks on the construction of the 12th section of the turnpike road law, fixing the rates of toll, and a resolution of the Robbstown and Mount Pleasant Board passed on 4th inst. was read, the report was on motion of Mr. Barclay, unanimously adopted.

It was then, on motion,

Resolved, That Messrs. Russell, Gebhart and Barclay be a committee to memorialize the next Legislature, on the part of this convention, as recommended in the second item of the report made by the committee.

Dr. Estep then offered the following resolution, viz:

Resolved, That in the opinion of this convention, the several Boards of Managers have the right to lessen the toll in particular cases, according to their views of the general interests of the country.

The resolution produced a debate, in which the mover, Dr. Estep, and Messrs. Garber, Barclay, Russell and McDowell participated, and on the question being called, the yeas and nays were required, and were as follows, viz:

Yeas—Messrs. Black, Estep, Gebhart, and Lobingier—4.

Nays—Messrs. Barclay, Barr, Clark, Cook, Davis, Ewalt, Garber, Hill, Jack, Johnson, Lippincott, Long, T. McDowell, J. McDowell, McNair, Murray, Null, Plumer, Russell—19.

So the resolution was rejected.

Mr. McNair then offered the following resolution.

"Resolved, That ——— be a committee to correspond with the different Turnpike Companies, and ascertain from them their views on the first item reported by the general committee, and whether they will concur in the sentiment therein expressed, and if so, at what time—and that, on receiving the same, they communicate the result, to the different companies;" and the blank having been filled with the names of Messrs. McNair, Davis, and Estep, was unanimously agreed to.

It was then, on motion,

Resolved, That the proceedings of this meeting, signed by its officers, be published in the Bedford papers, and all others in the state friendly to the turnpike interest.

Resolved, That the thanks of this convention be tendered to the President and Vice Presidents thereof, for their able and impartial performance of their duties.

The convention then adjourned, *sine die*.

GEORGE PLUMER, President.

CHRISTIAN GARBER, } Vice  
ALEXANDER JOHNSTON, } Presidents.

Attest,

John Y. Barclay, }  
J. M. Russell, } Secretaries.



From the Military and Naval Magazine.

## A SHORT HISTORY OF THE CONTINENTAL FRIGATE ALLIANCE.

The following sketch has been communicated by an officer of the Navy, who was personally intimate with Commodore Barry, and who has had other opportunities to become acquainted with the facts narrated.

The continental frigate *Alliance* was built at Salisbury, on the river Merrimack, in Massachusetts.

The alliance with France, in 1778, induced our government to give the frigate the name she bore.

When the Trumbull frigate was captured, in 1781, the *Alliance* and *Deane* frigates composed our whole naval force of that class of ships.

The *Alliance* was commanded by many of the most distinguished officers of the Continental Navy—Barry, Jones, Nicholson, and others. Commodore Dale served in her as first lieutenant, under Jones.

The history of this ship furnishes many pleasant anecdotes, illustrative of great gallantry, and good humor, many of them occurring at periods of time when it would be supposed that the minds of responsible characters were naturally otherwise engaged. The frigate *Alliance*, while convoying the sloop of war —, commanded by Captain Green, from Havanna, having on board the money that founded the Bank of North America, was chased by a seventy-four, and a large sloop of war; the seventy-four and our sloop sailed nearly the same; but the English sloop out-sailed ours, and no doubt would have come up with her, and in all probability, have so injured her masts and sails, as to allow the seventy-four to come up, when she would of course have been taken; on each of those attempts to close with our sloop, Commodore Barry, who took his station on the weather quarter of our sloop, bore down on the English sloop and engaged her. The *Alliance* being of superior force, the English sloop was compelled to sheer off, and thus the money was preserved, which contributed much to the happy termination of the war with England.

In one of the encounters of the *Alliance* frigate and British sloop, a shot entered the corner of the *Alliance*'s counter, and made its way into a locker, where all the china, belonging to the Captain, was kept; an African servant of the Commodore, a great favorite, ran up to the quarter deck, and called out "Massa, dat dam Ingresse man broke all de chana!" "You rascal," said the Commodore, "why did you not stop the ball?" "Sha, massa, cannon ball must hab a room."

At the close of the war the *Alliance* was sold by the government, and purchased by Robert Morris, and Captain Green, and with Commodore Dale in the capacity of chief mate, made the first voyage from Philadelphia to China, that ever was attempted out of that port; and little did they suppose, at the time they started, that a small craft from Salem was on her way before them; but such was the fact, for on their arrival in the Indian ocean, they fell in with a small Yankee schooner, and on hailing her, answered from Salem. Captain Green inquired what charts they had: the answer was none, for there were none to be had; but we have Guthrie's grammar. This passage was performed out of season; and it is believed to have been the first ever made outside of New Holland, by an American.

Com. Barry, while commanding the *Alliance*, was chased by the *Chatham*, sixty-four, off from the entrance of the Delaware bay, and it has been said, that, on that occasion, the ship sailed fifteen knots, and run down the *Speedwell*, British sloop of war, the commander of which attempted to prevent the escape of the *Alliance*.

The *Alliance*, after all the wonderful escapes from the enemy, and long and perilous voyages, died a natural death in the port of Philadelphia, and laid her bones on Pellet's Island opposite that city.

In the year 1802, an officer attached to Commodore

Dale's squadron, met with Captain Vashon, of the British Navy at Gibraltar, who then commanded the *Dreadnought*, ninety-eight, and was informed by him, that he commanded the English sloop of war before spoken of. Captain Vashon made the most respectful inquiries after Commodore Barry, and stated the facts as they had been frequently related before, by the Commodore himself, and in the most magnanimous terms accorded to that gallant officer, a full and generous portion of his approbation, for the masterly manœuvring of the *Alliance*, on that occasion. Captain Vashon stood high in the British Navy, as a distinguished seaman, and observed, that the commander of the seventy-four, who was then an Admiral, spoke often to him on the subject of their pursuit of the frigate *Alliance*: always giving the Commander great credit for his conduct. Commodore Barry, on this, as on all other occasions, evinced his love of justice, and spoke of Captain Vashon's conduct, bravery, and ability, in terms of the highest commendation.

From the Pittsburg Gazette.

### BRADDOCK.

The late publication of Walpole's Letters, has brought up again the name of this unfortunate officer, who met his fate in our neighborhood. Walpole is not very good authority; in giving the current scandal of the day, he evidently cares more for piquancy than accuracy. That Braddock was rash and opinionative, we know. Dr. Franklin was a good deal in his camp, had much personal intercourse with him, and thus speaks of him in his Memoirs.

"This General was, I think, a brave man, and might probably have made a figure as a good officer in some European war. But he had too much self-confidence, too high an opinion of the *validity* of regular troops, and too mean a one of both Americans and Indians. George Croghan, our Indian interpreter, joined him on his march with 100 of those people, who might have been of great use to his army as guides, scouts, &c., if he had treated them kindly: but he slighted and neglected them, and they gradually left him. In conversation with him one day, he was giving me some account of his intended progress. 'After taking Fort Duquesne,' said he, 'I am to proceed to Niagara; and having taken that, to Frontenac, if the season will allow time, and I suppose it will; for Duquesne can hardly detain me above three or four days; and then I see nothing that can obstruct my march to Niagara.' Having before revolved in my mind the long line his army must make in their march by a very narrow road, to be cut for them through the woods and bushes, and also what I had read of a former defeat of 1500 French, who invaded the Illinois country, I had conceived some doubts and some fears for the event of the campaign. But I ventured only to say, 'To be sure, Sir, if you arrive well before Duquesne, with these fine troops, so well provided with artillery, the fort, though completely fortified, and assisted with a very strong garrison, can probably make but a short resistance. The only danger, I apprehend, of obstruction to your march, is from the ambuscades of the Indians, who by constant practice, are dextrous in laying and executing them: and the slender line, nearly four miles long, which your army must make, may expose it to be attacked by surprise in its flanks, and to be cut like a thread into several pieces which from their distance cannot come up in time to support each other.' He smiled at my ignorance, and replied, 'These savages may indeed be a formidable enemy to your raw American militia; but upon the King's regular and disciplined troops, Sir, it is impossible they should make any impression.' I was conscious of an impropriety in my disputing with a military man, in matters of his profession, and said no more. The enemy however did not take the advantage of his army, which I apprehended its long line of march exposed it



to, but let it advance without interruption till within nine miles of the place; and then, when more in a body, (for it had just passed a river, where the front had halted till all were come over,) and in a more open part of the woods than any it had passed, attacked its advanced guard, by a heavy fire from behind trees and bushes; which was the first intelligence the general had of an enemy's being near him. This guard being disordered, the General hurried the troops up to their assistance, which was done in great confusion, through wagons, baggage, and cattle, and presently the fire came upon their flank: the officers being on horseback were more easily distinguished, picked out as marks, and fell very fast; and the soldiers were crowded together in a huddle, having or hearing no orders, and standing to be shot at till two-thirds of them were killed; and then being seized with a panic, the remainder fled with precipitation. The wagoners took each a horse out of his team, and scampered; their example was immediately followed by others; so that all the wagons, provisions, artillery, and stores were left to the enemy. The General being wounded was brought off with difficulty; his secretary, Mr. Shirley, was killed by his side, and out of 86 officers 63 were killed or wounded; and 714 men killed of 1,100. These 1,100 had been picked men from the whole army; the rest had been left behind with Col. Dunbar, who was to follow with the heavier part of the stores, provisions, and baggage. The flyers, not being pursued, arrived at Dunbar's camp, and the panic they brought with them instantly seized him and all his people. And though he had now above 1000 men, and the enemy who had beaten Braddock, did not at most exceed 400 Indians and French together, instead of proceeding and endeavoring to recover some of the lost honor, he ordered all the stores, ammunition, &c. to be destroyed, that he might have more horses to assist his flight towards the settlements, and less lumber to remove. He was there met with requests from the governor of Virginia, Maryland, and Pennsylvania, that he would post his troops on the frontiers, so as to afford some protection to the inhabitants; but he continued his hasty march through all the country, not thinking himself safe till he arrived at Philadelphia, where the inhabitants could protect him. This whole transaction gave us Americans the first suspicion that our exalted ideas of the prowess of British regular troops had not been well founded.

"In their first march, too, from their landing till they got beyond the settlements, they had plundered and stripped the inhabitants, totally ruining some poor families, besides insulting, abusing, and confining the people if they remonstrated. This was enough to put us out of conceit of such defenders, if we had really wanted any. How different was the conduct of our French friends in 1781, who, during a march through the most inhabited part of our country, from Rhode Island to Virginia, near 700 miles, occasioned not the smallest complaint, for the loss of a pig, a chicken, or even an apple!

"Captain Orme was one of the General's aids de camp, and being grievously wounded, was brought off with him, and continued with him to his death, which happened in a few days, told me that he was totally silent all the first day, and at night only said, *"Who would have thought it?"* That he was silent again the following day, saying only at last, *"We shall better know how to deal with them another time;"* and died in a few minutes after."

The Doctor mentions one anecdote of a favorable cast:

"As to rewards from himself, I asked only one, which was, that he would give orders to his officers not to enlist any more of our bought servants, and that he would discharge such as had been already enlisted. This he readily granted, and several were accordingly returned to their masters, on my application."

In another circumstance, we are bound to recognize a just and elevated, though reserved temper, on the

part of the unfortunate General. By mere accident, Franklin learned, long afterwards, that Braddock, in his despatches to Government, had borne earnest testimony to the Doctor's zeal and efficiency.

"The Secretary's papers, with all the General's orders, instructions, and correspondence, falling into the enemy's hands, they selected and translated into French a number of the articles, which they printed, to prove the hostile intentions of the British Court before the declaration of war. Among these, I saw some letters of the General to the ministry, speaking highly of the great service I had rendered the army, and recommending me to their notice."

From the Commercial Herald.

## SKETCHES OF PENNSYLVANIA.

### No. 10.

We proceed, according to promise, to attempt a general account of the Susquehanna river.

The principal branch of the Susquehanna has its rise in the Otsego Lake, in the county of Otsego, and state of New York. This beautiful sheet of water lies about 50 miles north of the boundary line between Pennsylvania and New York, and about 20 miles south of the Mohawk river, and the Little Falls. At the foot of the lake, and where its outlet forms the infant Susquehanna, is the beautiful village of Cooperstown, remarkable as the scene of the incidents in the favourite novel of the Pioneers. To that justly celebrated work we must refer for an accurate and yet highly poetical description of the romantic scenery from which the Susquehanna derives its birth.

The outlet is narrow, and gives but faint promise of the greatness to which its waters are destined before they mingle with the tides of the ocean. It is said that, during the revolutionary war, on the occasion of an expedition against the Indian settlement in Pennsylvania, a dam was constructed across the outlet, so as to confine the waters of the lake for some days, and considerably to raise its level. When the boats were prepared and manned the dam was opened, and the expedition floated for many miles down stream upon the artificial freshet thus produced. This simple expedient was at a late period resorted to with success by the Lehigh Coal Company, for the purpose of forming a descending navigation. It was subsequently abandoned, from conviction that such a navigation could not be permanently profitable, and the noble canal from Mauch Chunk to Easton was substituted in its place.

Besides the stream issuing from the Otsego Lake, two other head branches of the Susquehanna of nearly equal importance, the Unadilla and the Chenango, rise in the same neighbourhood. Every one accustomed to examine a map with a view to practical results will be struck by the proximity of the head waters of the Susquehanna to the Mohawk river, in the valley of which lies the great New York canal. We have said that Otsego Lake is 20 miles south of the Mohawk at the Little Falls. The head waters of the Unadilla are about the same distance from Herkimer on the Mohawk, and those of the Chenango an equal distance from Utica. To this we may add, that the head of the Cayuga Lake, which is navigable by steam boats, is only 30 miles distant from the Susquehanna river at Owego. A knowledge of these facts has given rise to various projects for connecting the Susquehanna with the New York canal. Of these the Chenango canal, commencing at the village of Binghamton, at the confluence of the Chenango and Susquehanna, and terminating at the Mohawk, and a rail road from Ithaca to Owego are perfectly practicable and have already been undertaken with spirit. Of the importance of these communications to Pennsylvania, especially as affording an outlet for the coal of the Wyoming valley, and the bituminous coal of the Tioga and West Branch, we shall have occasion to speak hereafter.



From the Otsego Lake the Susquehanna flows in a southerly direction for about 20 miles, then turns to the southwest, and at the end of 20 miles more receives the Unadilla. After continuing the same course for about 10 miles, it suddenly turns to the south and enters Pennsylvania, at what is properly called the Great Bend. Turning again to the northwest it again enters New York, and assuming a course about west by south, finally enters Pennsylvania three miles above Tioga Point, where it receives the Tioga river.

The Great Bend is remarkable as the point where the Delaware and Susquehanna approach nearest to each other—the former making a great curve to the west, and the latter to the east—so that the distance between them in a right line does not exceed 15 miles. Above and below the Great Bend, there is a singular parallelism between the course of the two rivers, which seems to indicate that the same obstacles interposed by the mountains have diverted them from pursuing a right line to the ocean. Compare, for example, the Delaware from the north line of the state to Carpenter's Point, with the Susquehanna from Tioga Point to the mouth of the Lackawanna. Both run south east, and preserve a uniform distance. At Carpenter's Point, and at the mouth of Lackawanna, which stand on nearly the same parallel of latitude, the rivers make an abrupt bend to the southwest—which course the Delaware pursues to the Water Gap, and the Susquehanna to Northumberland. At these points respectively, they turn to the south, and keep that course until one reaches the mouth of Durham creek, and the other the mouth of the Juniata. From the mouth of Juniata to the head of the Chesapeake Bay, the course of the Susquehanna is south east, and parallel to that of the Delaware between Durham and Bordentown. At Bordentown, the Delaware having entered the alluvial ground of the sea coast, and being released from those obstacles which impede the Susquehanna, to its very mouth, chooses its own path, and assumes a southwest course, converging towards the Susquehanna, which is continued to a point two miles below New Castle, where it loses itself in Delaware Bay. At this point the distance in a right line to the Susquehanna, does not exceed 25 miles—and next to that of the Great Bend, it is the nearest approach which the two make. At intermediate points their distance apart is generally from 60 to 70 miles—and in some places amounts to 90 or 100 miles. We have been thus particular in comparing the courses of the two rivers, at the expense of some departure from regular order, because a knowledge of such things is indispensably necessary to a proper understanding of the great communications of the country. Most of the important roads and other improvements have been regulated in some degree by these facts. At Tioga Point, the Susquehanna is increased in volume by the accession of the Tioga—a river almost equal to itself in magnitude and interest. The main branch of Tioga has its rise in Lycoming county, Pennsylvania, and on the western slope of the Great Allegheny mountain. Its head waters interlock with those of Lycoming and Pine creek, tributaries of the west branch, and of the Towanda, a tributary of the north branch, which we have regarded as the main Susquehanna. An immense deposit of bituminous coal, with its usual accompaniment of salt springs, distinguishes the region in which these streams take their rise. A desire to bring this mineral to market, has given rise to a number of projects for canals and rail roads in the northern part of the state.

The Tioga at its source, is distant in a right line to the Susquehanna at Towanda, about 25 miles. The nature of the intervening ground, however, forbids a direct course. For 40 or 45 miles it flows nearly north, to the Painted Post in the state of New York, where it receives the Canisteo and Conhocton, two important tributaries, which drain the counties of Steuben and Allegheny, in that state; it then pursues a course east by south till it reaches Pennsylvania, and joins the Susquehanna at Tioga Point, about 15 miles above Towanda.

The courses of the Susquehanna and of the Tioga, from their heads to the point of junction, lie entirely in the secondary formation, north and west of the great mountain range which we have heretofore described as the Allegheny. Their valleys thus far are distinctly marked by the characteristics of that formation. The streams themselves are gentle, without falls or rapids, and skirted by rich alluvial bottoms, affording great profit to the farmer. Their banks abound also with timber of the first quality. A very large proportion of the lumber and agricultural produce which annually descend the Susquehanna, are supplied from these regions.

Shortly after receiving the Tioga, the Susquehanna commences its passage through the Allegheny mountain, and its entrance into the transition formation. As to the precise point where this is effected, there seems to be some difference of opinion, though all agree in placing it between Towanda and Tunkhannock. Between the former place and the mouth of the Lackawanna, a marked change is observable in the character of the river. Its shores have become frequently rugged and mountainous with only occasional strips of alluvial land—and it is evident, that the Susquehanna has commenced its struggle with the great mountain ranges which continue to oppose its passage throughout the rest of its course.

Just above the mouth of the Lackawanna, the river breaks through the mountain which forms the western boundary of the Wyoming Valley. From that point to the Nanticoke Falls, 18 miles below, it continues to flow in that beautiful valley. At Nanticoke it breaks out through the same mountain which it has already passed, and which it again overcomes about eight miles lower down. It is difficult to account for this singular and apparently useless freak of the otherwise dignified and onward Susquehanna. It looks like the mere wantonness of conscious strength, a sort of Sam Patch ambition to show that some things may be done as well as others.

The Wyoming Valley, one of the great deposits of anthracite coal, follows the Susquehanna from Nanticoke Falls north eastward, to the mouth of the Lackawanna, a distance of 18 miles. It then leaves the river and follows the course of the Lackawanna, to near its head a distance of probably 40 miles. Throughout this whole range of 58 miles, coal is found in the greatest abundance. At Wilkesbarre, Kingston, Pittston, and Carbondale, it is extensively worked.

From Nanticoke Falls, the river pursues a W. S. W. course, through a part of what we have described as the Central mountainous region, to Northumberland, where it receives the West Branch—a stream nearly equal to itself in magnitude. At Nanticoke occurs the first falls of any importance, or which seriously obstruct the navigation. It is caused by the rocky base of the mountain which the river has broken through. It has nothing, however, of the cataract character, and in high water is easily passed in arks and rafts. At Berwick again, something like a fall occurs, but in general, the current of the river above Northumberland is gentle, and its channel safe, when compared with what it is below.

In our next we shall describe the West Branch, and follow the main river to its mouth.

#### No. 11.

Our last having been occupied with an examination of the North and main branch of the Susquehanna, from its various sources to Northumberland, we proceed to a similar inquiry in reference to the West Branch.

The head springs of the West Branch are in the county of Cambria, on the west side of the Allegheny mountain. Its course is at first north and north east, parallel to that ridge, through Cambria and Clearfield counties, till it enters Lycoming, and receives the Sin-



nemahoning, an important tributary from the north. Soon after receiving the Sinnemahoning it turns to the south east, so as to impinge at right angles upon the line of the Allegheny mountain, with which it comes in contact a short distance above the mouth of the Bald Eagle, or about 75 miles above Northumberland. Having broken through this obstacle, it pursues an easterly course inclining to North, for about 30 miles. parallel to an important spur of the Allegheny, called Muncy Hill, which latter it finally breaks near the village of Pennsborough, forming at the pass the Muncy Ripples. Here the river, weary of its long struggle with natural impediments, turns abruptly to the south, and taking the most direct route to the ocean, joins the North Branch at Northumberland, 25 miles below Pennsborough.

The most important tributaries of the West Branch are Lycoming, Loyalsock, Pine creek, and Sinnemahoning, which it receives from the north, and the Bald Eagle and Clearfield creeks, which enter from the south. The valleys of the Bald Eagle and Loyalsock are distinguished for natural fertility and productive cultivation. The valley of the West Branch itself, below Pine creek, and a number of small lateral valleys communicating with it, in Union, Northumberland, and Lycoming counties, constitute to our eye, the most beautiful and attractive portion of the state. This section rests upon limestone of the finest quality, and it presents bottom lands which almost vie in extent and depth of soil with those of Kentucky. The worst we know of it are the names which have been given to the valleys referred to. What think our readers of Nippanose valley, White Deer hole valley, Musquito valley, Dry valley, and Black-hole valley? Would they be led to expect from such unpromising names a land flowing with the bounties of nature. Is there no "commodity of good names" for our friends of the region bounding on the West Branch? The principal depots for this rich section of country are Lewisburg, otherwise called Derrstown, Milton, Pennsborough, and Williamsport. If any one will examine our daily list of arrivals at the Fair Mount locks, he will see how large a proportion of the wheat, rye, flour and whiskey, received in Philadelphia, comes from these places, and he may form a tolerable idea of the importance of the region referred to.

Danville, in Columbia county, is also a depot for a portion of Northumberland and Lycoming. The Loyalsock valley finds its outlet at Berwick, on the North Branch, which latter supplies the coal districts of the Lehigh with the necessities of life. Pottsville and the adjacent region receive a similar supply from the country we have described on the West Branch.

Above the mouth of Pine creek, the valleys of the West Branch and of its tributaries assume an entirely different character. It is decidedly the least settled, and with a few exceptions, the least promising section of the state. The general aspect of the country is wild, rugged, and inhospitable, and it must be years before any thing like a dense population can be gathered to it. Its chief dependence must be on the bituminous coal which is found there in great abundance. Occasional spots nevertheless occur, which will fully repay the agriculturist, whenever a cheap communication with a market shall be opened.

The circumstance that the West Branch has its rise west of the Allegheny mountain, gave to that stream great interest and importance during the period when Pennsylvania was preparing to embark in her great scheme of internal improvements, and while the route of the canals remained undecided. As the dividing ridge between the West Branch and the waters of the Allegheny was known to be lower than the Allegheny mountain, which separates the Juniata from the Conemaugh, it was hoped it might admit of a complete water communication between Philadelphia and Pittsburg. An object so interesting was not abandoned until the most laborious investigation decided on its impracticability, at

least for any useful purposes of trade. It was ascertained that though such a communication might be made, still it could not be so supplied with water as to answer the purposes of the great trade between the east and the west. From the surveys thus made, embracing the whole dividing ground between the eastern and western waters, from about the middle of Cambria county, to the north line of the state, nearly all our knowledge of the topography of that region is derived.

The published maps are far from accurate, having been compiled from county surveys, very carelessly made, and founded probably upon conjectures as much as upon actual observation. Some of the facts elicited by the surveys made under the direction of the canal commissioners, are well worthy of notice.

The lowest known summit in Pennsylvania between the waters of the Atlantic and of the Gulf of Mexico, lies in the northeastern part of Indiana county, at the head of Cushing creek, one of the head springs of the West Branch, and divides that stream from Two-lick, a branch of the Conemaugh. This dividing ground is probably (speaking from recollection without the opportunity of referring to documents) about 500 feet lower than the Allegheny mountain at its most depressed point. To this summit and to another between Sinnemahoning and Clarion river, the hopes of those who expected a complete navigable communication through the state, were principally directed.

By the surveys made of the last named summit, it was ascertained that the waters of the Clarion river, taken out a few miles above its forks, and where the stream is quite copious at all seasons, might be carried across it with the aid of an inconsiderable tunnel. But such was the circuitous route by which a feeder must be brought, and such the expense of its construction, that the project was necessarily abandoned. Judge Geddes in his report on this survey, states a singular fact, that an enterprising emigrant some years ago, ascended the Portage branch of the Sinnemahoning in his canoe to its head, and with the aid of his hoe, succeeded in connecting it with a small stream running towards the Allegheny. The same thing might occur at other points of the dividing ridge, where the head springs of the Allegheny and of the Susquehanna streams lie within a few yards of each other. At the head of Bennet's branch of the Sinnemahoning is an extensive marsh called Flag Swamp, from which, in wet seasons, the water flows both ways, and where, at such seasons, the summit might easily be passed by a canoe. This point is remarkable as probably the only one in Pennsylvania where the Beaver may be found. Every where else they have been driven out by the approach of human footsteps. In the same region a few elks still remain. These two circumstances indicate that the wilderness character of the region has been fully preserved.

The following extracts from the report of Judge Geddes upon his survey of the West Branch and Sinnemahoning will give a just idea of the character of those streams.

Speaking of the Sinnemahoning he says:

"Margins of arable land besomed among the mountains are found along the stream, sometimes very narrow, but seldom too narrow, or too circumscribed for the adventurous mountaineer to set a house on. Instead of roads, they, on the water with their canoes, convey every thing. If a wagon is found on some of the best farms, it was brought there by water and is destined to move only on the ground of the owner, or perhaps to his next neighbor. A pack horse path has been made through the whole of this seventy-one miles, and the canal line is run on the same side, always crossing the stream with the path. At very many of the narrows, the same side of the stream cannot be occupied by both the road and the canal; a width for both would fill up the whole water course. A canal being made here a road, and one for carriages too, would be indispen-



sable, and it must be made on the opposite side from the canal, and at a great expense."

Of the West Branch he says—

"Another unlooked for character in the West Branch, is there being *deep still water* at the foot of all the high rocky precipices, which have their bases washed by the stream; throwing the canal consequently into the river bed. The stream here, has made its way along the valleys *among* the mountains, and not *across* their course as below Northumberland, and no rocks run along the bottom to the opposite shore. Where the river runs at the steep mountain's base, a section of the earth would show the same degree of steepness, below the water's surface, that is seen above it; the bottom being a formation from the disintegrated rocks above. At one place the wall to support the canal along the face of the rocks, would be based in water thirteen feet deep. The depth of the water and the height of the flood-line will, in some places, require a wall full thirty feet high.

Below Sunbury, a contrary feature is uniformly found to prevail; the river runs *across* the ranges of mountains, and having passed over low places in them, has carried away all that was soluble; the rocks remaining make rapids and shallow water opposite all the narrows. This character of the Susquehanna continues not only to the mouth of Juniata, but to tide."

The Pennsylvania system of internal improvement embraces a canal along the West Branch from Northumberland to the mouth of Bald Eagle creek. This will afford an outlet to the Iron of Centre, Lycoming, and Union counties, which exists in immense quantities, and is of excellent quality. The southern counties of New York are at this time supplied with iron from the same region. The traffic is carried on in the winter season, by means of sleds, which come in, loaded with salt, and take back a return cargo of iron. The bituminous coal of the West Branch, extending over a large part of Lycoming, Centre, and Clearfield counties, will also constitute an important item in the trade of the canal. Add to this the agricultural produce of the rich country between Pine creek and Northumberland, and there can be no reason to doubt that the state will receive a rich return for its expenditure on the canal.

In our next we shall follow the Susquehanna from Northumberland to tide-water.

STATEMENT OF TOLLS taken at the State bridge at Clark's Ferry since its completion, in 1830.

In 1831, quarter ending January	\$1212 06
April,	1045 10
July,	1348 23
October,	808 23
Total for 1831,	4,416 62
In 1832, *quarter ending January,	578 06
April,	783 85
July,	1056 59
October,	740 75
	3159 25
In 1833, quarter ending January,	906 54
April,	893 65
July,	1203 00
	3007 19

Harrisburg Chronicle.

### PERILOUS ADVENTURE.

David Morgan, a relation of the celebrated General Daniel Morgan, who had settled upon the Monongahela,

\*Note—The bridge was impassable for nearly two months.

during the earlier part of the Revolutionary war, at this time had ventured to occupy a cabin at the distance of several miles from any settlement. One morning in May, 1781, having sent his youngest children out to a field at a considerable distance from the house, he became uneasy about them, and repaired to the spot where they were working, armed as usual with a good rifle. While sitting upon the fence, and giving some directions as to their work, he observed two Indians on the other side of the field, gazing earnestly upon the party. He instantly called to the children to make their escape, while he should attempt to cover their retreat. The odds were greatly against him, as in addition to other circumstances; he was nearly seventy years of age, and of course unable to contend with his enemies in running. The house was more than a mile distant, but the children having two hundred yards the start, and being effectually covered by their father, were soon so far in front, that the Indians turned their attention entirely to the old man. He ran for several hundred yards with an activity which astonished himself, but perceiving that he would be overtaken, he fairly turned at bay, and prepared for a strenuous resistance. The woods through which they were running were very thin, and consisted almost entirely of small trees, behind which it was difficult to obtain proper shelter. When Morgan adopted the above mentioned resolution, he had just passed a large walnut tree, which stood like a patriarch among the sapplings which surrounded it, and it became necessary to run back about ten steps in order to regain it. The Indians became startled at the sudden advance of the fugitive, and were compelled to halt among a cluster of sapplings, where they anxiously strove to shelter themselves. This, however, was impossible, and Morgan, who was an excellent marksman, saw enough of one of them to justify him in risking a shot. His enemy instantly fell, mortally wounded. The other Indian taking advantage of Morgan's empty gun, sprung from his shelter and advanced rapidly. The man having no time to reload his gun, was compelled to fly a second time. The Indian gained rapidly upon him, and when within twenty steps, fired, but with so unsteady an aim, that Morgan struck with the butt of his gun, and the Indian whirled his tomahawk at one and the same moment. Both blows took effect—and both were at once wounded and disarmed. The breech of the rifle was broken against the Indian's skull, and the edge of the tomahawk was shattered against the barrel of the rifle, having cut off two of the fingers of Morgan's left hand. The Indian then attempted to draw his knife: Morgan grappled him and bore him to the ground. A furious struggle ensued, in which the old man's strength failed, and the Indian succeeded in turning him,—planting his knee on the breast of his enemy, and yelling loudly, as is usual with them upon any turn of fortune; he again felt for his knife in order to terminate the struggle at once—but having lately stolen a woman's apron, and tied it around his waist, his knife was so much confined, that he had great difficulty in finding the handle. Morgan, in the mean time, being a regular pugilist, according to the custom of Virginia, and perfectly at home in a ground struggle, took advantage of the awkwardness of the Indian, and got one of the fingers of his right hand between his teeth. The Indian tugged and roared in vain, struggling to extricate it. Morgan held him fast, and began to assist him in hunting for the knife. Each seized it at the same moment, the Indian by the blade, and Morgan by the handle, but with a slight hold. The Indian having the firmest hold, began to draw the knife further out of its sheath, when Morgan suddenly giving his finger a furious bite, twitched the knife dexterously through his hand, cutting it severely. Both now sprung to their feet, Morgan brandishing his adversary's knife, and still holding his fingers between his teeth. In vain the poor Indian struggled to get away—rearing, plunging, and bolting like an unbroken colt. The teeth of the white



man were like a vice, and he at length succeeded in giving him a stab in the side. The Indian received it without falling, the knife having struck his ribs; but a second blow, aimed at the stomach, proved more effectual, and the savage fell. Morgan thrust the knife, handle, and all, into the cavity of the body, directed upwards, and starting on his feet, made the best of his way home. The neighborhood was quickly alarmed, and hurrying to the spot where the struggle had taken place, they found the first Indian lying where he had fallen—but the second had disappeared. A broad trail of blood, however, conducted to a fallen tree top, within one hundred yards of the spot, into which the poor fellow had dragged himself, and where he now lay bleeding, but still alive. He had plucked the knife from his wound, and was endeavoring to dress it with the apron which had cost him his life, when his enemies approached. The love of life appeared still strong within him, however. He greeted them with what was intended for an insinuating smile, held out his hand, and exclaimed in broken English, "how de do, broder! how de do! glad to see you!" But, poor fellow, the love was all on his side. Their brotherhood extended only to tomahawking, scalping, and skinning him, all of which operations were performed within a few minutes after the meeting—to such an extent had mutual injury inflamed both parties.—*Sketches of Western Adventure.*

From the United States Gazette.

#### CORRESPONDENCE

Between the Rev. WILLIAM H. DE LANCEY, D. D., late Provost, and the FACULTY OF ARTS, of the University of Pennsylvania.

PHILADELPHIA, June 8, 1833.

To the Faculty of Arts of the University of Pennsylvania.

Gentlemen,—Having resigned the relation of Professor and Provost, by which I was associated with your body; I feel constrained to take advantage of the occasion of communicating that fact to you, to express the sentiments of regret which I cannot but indulge at separating from gentlemen with whom I have so long and so harmoniously co-operated in the affairs of the college. Although we came together as entire strangers to each other, yet it is peculiarly gratifying to reflect, that during the whole period of our intercourse, extending through nearly five years, there has not been the slightest discord in our counsels or proceedings; all has been peaceful, united, and friendly co-operation, and we now separate as personal friends.

In the arduous and trying duties of my particular station, I have received from you all, such uniform manifestations of respect and kindness, and such cordial support, as to convert official gratitude into personal regard, and to superadd to the high opinion which I entertain of your talents, assiduity, and faithfulness, as professors, the higher and stronger sentiments of affection for you as friends.

I need not assure you of my continued interest in the University. I should do injustice to the College and to the public, as well as to you, did I ever hesitate in expressing my full conviction of your ample ability to sustain the institution in a high character, if your efforts are seconded by this community in any proportion to your zeal and capacity in conducting its instructions and managing its discipline.

I can utter no better wish for my successor, than that he may enjoy the same delightful harmony which I have been privileged to share, and may terminate his official career with as much cordial and valuable friendship as I have derived from the important station which I have just resigned. Accept, gentlemen, my warmest wishes for your individual welfare, and professional success;

and be assured, that few things could afford me greater pleasure than being allowed to subscribe myself

Your faithful friend,

WILLIAM H. DE LANCEY.

UNIVERSITY OF PENNSYLVANIA, }  
July 28, 1833. }

Rev. and dear Sir,—Our collegiate year having closed, I hasten to fulfil the duty of communicating the resolutions unanimously adopted by the members of the Faculty of Arts, on the receipt of your letter to them. While the occasion excites the deepest regret, it affords me pleasure to be the medium of communication of the sentiments of respect and esteem of your late colleagues.

"At a meeting of the members of the Faculty of Arts, June 11, 1833, a letter from the Rev. W. H. De Lancey having been read, the following resolutions were unanimously adopted:

Resolved, That in justice to their own feelings, the Faculty must express the sentiments of respect and esteem to which their intercourse with the Provost has given rise, sentiments first suggested by his amenity of manners and dignified address, and confirmed by observation of the sterling qualities which the circumstances of the last five years have developed.

Resolved, That while engaged in the common purpose of establishing in our Institution an elevated system of Collegiate education, the Faculty have had occasion to admire Dr. De Lancey's peculiar qualifications as a presiding officer, his coolness and decision, his promptness and energy, tempered always by kindness, in the application of discipline, and that these sentiments of official respect have been accompanied by those of personal regard.

Resolved, That the harmony in the deliberations and measures of the Faculty, a natural result of community of feeling and purpose, and to which the letter of the Provost so happily refers, is a subject of reflection highly gratifying to the Faculty.

Resolved, That the members of the Faculty will cherish a memory of the feelings expressed by the Rev. Dr. De Lancey, and will find in the continued interest he has pledged, a new incentive to the exertions referred to by him in such kind and flattering terms.

The members of the Faculty appreciating the sense of duty which has led the Rev. Wm. H. De Lancey to resign his office in the University with a view to devote himself exclusively to a spiritual charge, individually wish him all happiness, and the success which may be expected from zealous and well directed labours.

Communicated by request on behalf of the members of the Faculty of Arts.

In conclusion, I beg you to accept the sentiments of respect and esteem with which I am, reverend sir,

Very truly yours,

ALEX. DALLAS BACHE,

Secretary of the Faculty of Arts.

To Rev. Wm. H. De Lancey, D. D., late Provost of the University of Pennsylvania.

NAVIGATION.—Dr. William Howard of the United States' Engineer Corps, with his assistants, has arrived at Pittsburg for the purpose of making a re-survey of the Monongahela river from Pittsburg to Brownsville, for the purpose of ascertaining the expense of rendering it navigable for steam boats at all seasons of the year. This measure is deemed highly important to Pittsburg as well as to the state generally.—*Commercial Herald.*

SERIOUS ACCIDENT.—It becomes our unpleasant task to record a fatal accident which occurred at Nesquehoning last evening, August 23d, by which the death of one man was occasioned, and another was badly hurt. We are informed that Mr. Barber, the engineer, with three other men, (miners) were descending the second inclined plane from the Room Run mines in some empty



cars, when the miners became alarmed at their velocity and imprudently undertook to jump out, in doing which, one was precipitated with great violence into a gutter which passes under the plane, and so shockingly bruised and mangled that he died soon after. His name was Thomas Barrett.

Another miner was severely bruised but the third escaped without material injury. Mr. Barber was left to hold the friction brake alone, but succeeded in arresting the progress of the cars at the foot of the plane, and escaped injury entirely.—*Mauch Chunk Courier*.

From the Commercial Herald.

PENNSYLVANIA CANAL.—Number of boats cleared, on the Delaware division, at Bristol from the 15th to the 22d inst.

15th, 25 boats,	Tolls, \$44 80
16th, 23 do	do 140 03
17th, 20 do	do 94 33
18th, 19 do	do 70 22
19th, 5 do	do 41 59
20th, 24 do	do 129 52
21st, 18 do	do 63 24
22d, 24 do	do 82 09
158	\$673 82

Passed from Easton during this month up to the 22d inst. 305 boats, Toll, \$5130 73  
New Hope, 15 do do 99 07  
Bristol, 398 do do 1581 16

\$6810 96

Total amount of Toll received on this canal up to the 22d, \$22,792 23

SCHUYLKILL COAL TRADE.—Despatched during the past week ending 23d inst.

158 boats, carrying	6,435 tons.
3182 boats (last report)	133,626 tons.
3340	140,061
491 boats,	20,697
3831 boats, total,	160,758 tons.

LEHIGH COAL TRADE.—Despatched from Mauch Chunk for the week ending 23d of August—

85 boats, carrying	4,043 tons.
1408 former report,	62,006
1493 boats, total,	66,049 tons.

DELAWARE AND HUDSON COAL TRADE.—Amount of coal despatched from Honesdale, 50,490 tons.

From the above statements it will be seen that from the Pennsylvania mines there have been despatched during the present season 277,297 tons of coal, which at six dollars per ton, amounts to one million six hundred and sixty-three thousand seven hundred and eighty-two dollars.

REMINISCENCES.—In the 5th number of the 1st volume of the Pittsburgh Gazette, there is a long and well written article in favor of making Pittsburg the seat of justice for a new county, and the inconvenience to which the inhabitants were subjected by being compelled to travel to Greensburg, to attend court as jurors or witnesses, is greatly complained of. In 1788, an act was passed, creating the county of Allegheny, but making Allegheny the seat of justice—this, however, was soon altered, and Pittsburg was permanently fixed up on in 1791.

In the Gazette of October 7th, 1786, we noticed the

following extract of a letter from Philadelphia, dated Sept. 14, 1786, from which it appears that, up to that time, there was no regular mail to this place, the inhabitants having to depend upon travellers, or upon expresses, sent upon extraordinary occasions.

Extract of a letter from Philadelphia, dated

"September 14, 1786.

"Mr. Brison is just returned from New York with orders to establish a post from this place to Pittsburg, and one from Virginia to Bedford, the two to meet at Bedford; from thence one will proceed to Pittsburg. I also understand there will be other internal posts established throughout this state."—*Pitts. Gaz.*

COMMERCE OF PHILADELPHIA.—Arrivals at this port, during the months of April, May, June, and July, of the present year. In this statement a considerable number of vessels engaged in the transportation of wood, coal, and merchandize are not included.

	Ships.	Barques.	Brigs.	Sch'rs.	Sloops.	Total.
Arrivals in April,	11		45	220	37	313
May,	8	2	70	230	23	333
June,	8	7	61	229	25	330
July,	14	3	84	252	54	407
Total,	41	12	260	931	139	1383

The largest number of arrivals in any one day, during that period, was four brigs, thirty-eight schooners, and one sloop, on the 13th May—on the 14th June, the arrivals consisted of two ships, one barque, six brigs, sixteen schooners, and one sloop.—*Commercial Herald*.

PROGRESS OF IMPROVEMENT IN NEWSPAPERS.—In September, 1325, the Pittsburgh Gazette was issued, weekly, upon a super royal sheet. The form was five columns wide, as our daily paper is now, and about one half inch longer than our present daily paper. Then the paper, coming once a week, was considered large enough—now, a sheet of almost precisely the same size, coming daily, is, by some, thought rather too small. Truly the times have changed, and we have changed with them.—*P. Gaz.*

From the Montrose Volunteer.

SINGULAR.—The following circumstance has been related to us as having lately occurred in the neighborhood of Tunkhannock, Luzerne county. We do not vouch for the correctness of the story, though it is said to be strictly true.

A little child begged of its mother a piece of cake, and on receiving it immediately went out of the house. A short time afterwards, the mother sought the child, whom she found a little way from the house amusing itself with feeding the cake to a large rattlesnake. The snake, with its head elevated nearly the height of the child's head, was receiving with much apparent satisfaction from the hands of the unconscious child, the crumbs of cake which it broke off and put it into its snakeship's mouth. The alarm of the mother, as might reasonably be expected, was very great on seeing her child put its fingers into the mouth of so dangerous a creature as the rattlesnake; but retaining a proper presence of mind, she persuaded the child to come to her, and then pursued and killed the snake.

IRON ORE, AGAIN.—We had occasion once before to mention the discovery of iron ore of good quality, as well as of a plentiful quantity lying along Clearfield creek, in this county, and principally on the lands of Richardson and Campbell, who are engaged in the manufacture of FIRE PROOF BRICKS; the *Fire Clay Clunch*:



or as it is more familiarly known by Soap Stone, from which the brick is made, is found in the same hill with stone coal, and the soap stone vein, as we are informed by one of the owners, is found to be 12 feet thick, and forms a regular stratum through the hill. The oven in which the brick is burned is after the English plan, measuring sixteen feet high and 12 in diameter, and heated by bituminous stone coal, containing 9 grates, and will burn at one time 26,000. The introduction of this valuable article of manufacture into the Baltimore and Philadelphia markets during the last spring, has, we are glad to observe, excited the attention and inquiry of some of the enterprising capitalists of these places, who have lately taken measures to ascertain what inducement there is to prosecute the business on a larger scale. A great desideratum in carrying on manufactures of this kind in the back countries, has been the want of a convenient mode of getting to market; the place where this is found, however, while it lies along a navigable stream, will be benefitted by the Philipsburg rail road passing within six or seven miles of it—the transportation on it will therefore be found to answer the purpose.

One of the men engaged in this manufacture is a man of great experience, being well acquainted with the business before he left England; and by examination, has found that the *clunch* is the same which is used there. With regard to the iron ore mentioned, he assures us there is a sufficient quantity to keep in blast a number of furnaces, and that the facilities in extracting it are worthy of attention. We think that upon the whole, men of capital could not direct their attention to a more promising section of the State. Messrs. Richardson & Campbell are known to be men of great enterprise, and we are rejoiced to hear that their business is likely to prove profitable.—*Clearfield Banner*.

## HORTICULTURAL EXHIBITION.

PHILADELPHIA, August 26.

Sir,—The Pennsylvania Horticultural Society will hold its Fifth Annual Exhibition at the Masonic Hall, Chesnut street, on Wednesday and Thursday the 11th and 12th of September.

The purposes of the Society are known to be purely patriotic, its sole object being to advance the public good, by improving the practice and productions of Horticulture.

The Committee charged with the preparatory arrangements for the Exhibition, solicit your contributions; and should you be unable personally to furnish any thing towards the contemplated display you may perhaps essentially aid by extending the notice of this circular.

Fruits, flowers, and Culinary Vegetables are all embraced in the intended exhibition; and specimens of either, of a quality meriting distinction, will be thankfully received and publicly acknowledged.—When transmitted from a distance, by public conveyance, the Society will cheerfully defray the cost of transportation. They may be addressed to Messrs. D. & C. Landreth's Seed Warehouse, No. 85 Chesnut street.

To prevent confusion it will be necessary to present all but the Bouquets on Tuesday the 11th. The latter may be furnished on the mornings of the days of Exhibition.

Respectfully,

JOSEPH PRICE,  
W. W. FISHER,  
GEORGE W. COATES,  
J. W. BURROWS,  
DAVID S. BROWN,  
WILLIAM H. KEATING,  
M. C. COPE,  
Committee of Superintendence.

## REFORM CONVENTION.

A morning paper states that the number of delegates to the Reform state Convention, now in attendance at Harrisburg, is sixteen, five of whom are from the county of Philadelphia. The Convention organized by appointing the Hon. George Kremer, of Union county, President; J. McClintock, of Columbia, and Mahlon Ortlip, of Philadelphia, Vice Presidents; and H. K-Strong, of Dauphin, and W. J. Mullen, of Philadelphia, Secretaries. It has been agreed to recommend to the people that the constitution be so altered as to diminish the appointing power of the Governor, and to establish a negative in relation to it. 2. To abolish offices for life. 3. To extend the enjoyment of the rights of suffrage. 4. To elect a greater proportion of public officers directly by the people. 5. To shorten the term of office, and limit the eligibility, of state senators. 6. To provide a mode for submitting future amendments to the people.

It has also been agreed to report for consideration whether any of the following proposed amendments ought to be made, to be determined under the instructions of the people, by an adjourned convention, to be held next winter.

1. To shorten the term of the Governor's office, and of his continued eligibility.
2. To prohibit lotteries.
3. To impose restrictions, in certain cases on the power of the legislature to grant perpetual and unrepalable charters of incorporation.
4. To prohibit the legislature from borrowing money on behalf of the state, excepting to a certain amount.—*Philad. Gaz.*

At the Court of Quarter Sessions held in this borough last week, LEWIS ROLLIN, a kind of deputy manager in the cotton factory of B. McCready, was indicted for having beaten a lad of 14 years of age, one of the hands employed in that establishment. The prosecution was conducted by Messrs. Hancock, Deputy Attorney General, W. Powel, and Farnace; and the prisoner was zealously defended by Messrs. Freedley and Kendall. After a patient investigation of the case, the jury returned a verdict of Guilty, and the court sentenced the prisoner to pay a fine of one dollar to the commonwealth, besides the costs of prosecution.

By this trial a principle has been established for the government of these "clock-work institutions," which will deprive certain petty tyrants of much of their usurped authority, and secure to the operatives a degree of protection under the laws of our country, which will tend to render their situation less onerous, because they will feel themselves more secure from oppression. The march of free principles is onward, and the time is fast approaching when the rights of the working-man shall be respected, and his person be protected from wrong and outrage.—*Norristown Reg.*

WEST CHESTER RAIL-ROAD.—A few days since, two cars laden with brick, weighing upwards of eight tons were taken with one horse, the whole length of this road; three miles of which was up a grade of forty feet per mile. This would have required sixteen horses to have hauled the same weight on our ordinary roads, proving beyond a doubt the great utility of Rail Roads, and the advantage this road must be to West Chester and the country contiguous.

DIED—At his residence in Rostraver township, on Tuesday the 15th instant, Mr. JESSE FELL, aged 56 years. The deceased was a worthy and respectable man. He was of an unusual size—weighing when living, about 500 pounds.—*Westmoreland Repub.*

Printed by Wm. F. Geddes, No. 9 Library street, Philadelphia.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 10. PHILADELPHIA, SEPTEMBER 7, 1833. NO. 29.

## REPORT ON THE REVISED CODE.

A Bill relating to Counties and Townships, and County and Township Officers.

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An Act relating to Counties and Townships, and County and Township Officers.

It is enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, as follows:

Section 1. The state shall be divided into the following named counties, viz.

Philadelphia, Bucks, Chester, Lancaster, York, Cumberland, Berks, Northampton, Bedford, Northumberland, Westmoreland, Washington, Fayette, Franklin, Montgomery, Dauphin, Luzerne, Huntingdon, Allegheny, Mifflin, Delaware, Lycoming, Somerset, Greene, Wayne, Adams, Centre, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, Armstrong, Indiana, Jefferson, McKean, Clearfield, Potter, Tioga, Cambria, Bradford, Susquehanna, Schuylkill, Lehigh, Lebanon, Columbia, Union, Pike, Perry, Juniata, as the same are now by law established: and into such others as the Legislature may, from time to time, establish.

Section 2. Every city shall be deemed and taken to form part of the county in which it is or may be situate; saving, nevertheless, to each city and to the citizens thereof, all and singular the jurisdictions, powers, rights, liberties, privileges, and immunities; granted by the respective charters and by the laws of this commonwealth.

Section 3. The several counties and townships in this state shall have capacity as bodies corporate:

- 1st. To sue and be sued as such.
- 2d. To take and hold real estate within their respective limits, and also personal property: Provided that such real and personal estate shall be taken and held

only for the benefit of the inhabitants of the respective county or township, and for such objects and purposes, and none other, as county and township rates and levies are now, or hereafter may be, authorised by law to be laid and collected; and for such other objects and purposes as may hereafter be expressly authorised by law.

3d. To make such contracts as may be necessary and proper for the execution of the same objects and purposes.

Section 4. The corporate powers of the several counties and townships shall be exercised by the commissioners or supervisors thereof, respectively.

Section 5. All suits by a county or township shall be brought and conducted by the commissioners or supervisors thereof, respectively; and in all suits against a county or township, process shall be served upon, and defence made by the commissioners or supervisors thereof, respectively.

Section 6. If judgment shall be obtained against a county in any action or proceeding, the party entitled to the benefit of such judgment may have execution thereof as follows, and not otherwise, viz. It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment may be removed by transcript from a justice of the peace or alderman, to issue thereon a writ commanding the commissioners of the county to cause the amount thereof, with the interest and costs, to be paid to the party entitled to the benefit of such judgment, out of any monies unappropriated of such county; or if there be no such moneys, out of the first moneys that shall be received for the use of such county; and to enforce obedience to such writ by attachment.

Section 7. If judgment shall be obtained against a township, or against the overseers of the poor of a township, the like proceedings may be had to enforce payment out of the township funds, according to the circumstances of the case.

Section 8. There shall be a county seal for each county of this state, which shall be in the custody of the commissioners thereof, and the official acts of the commissioners shall be authenticated therewith.

Section 9. The title to all and singular the court-houses, jails, prisons, and work-houses, together with the lots of land thereunto belonging or appertaining, in the several counties in this state, as they now are, or heretofore have been, vested in any feoffees or trustees, or in the commonwealth, or in the commissioners of the respective counties, or in any bodies politic or corporate, for the several use of the said counties respectively, shall be, and they are hereby declared to be vested in the respective counties, for the use of the people thereof, and for no other use.

Section 10. It shall be lawful for the commissioners of any county, having first obtained the approbation of the grand jury and of the court of Quarter Sessions of such county, to cause to be erected at the seat of justice thereof, when occasion shall require, such building or buildings as may be necessary for the accommodation of the courts, and of the several officers in the county, and for the reception and safe keeping of the records and other papers in charge of such officers; and also such other building or buildings as may be necessary and proper for the purposes of a county jail and work-



house, and if need be, to purchase ground for the erection of such buildings.

Section 11. It shall be the duty of the commissioners of every county, to keep and maintain the public buildings aforesaid of the county, in suitable and convenient order and repair; and it shall be lawful for them, when necessary, having first obtained the approbation of the grand jury and of the court of Quarter Sessions of the county, to alter, add to, or enlarge such public buildings.

Section 12. It shall be the duty of the several prothonotaries, clerks of the court of Quarter Sessions and Orphans' court, registers, and recorders, and also of the commissioners, auditors, treasurer, and sheriff of the several counties, to keep their respective offices, and all public records and papers belonging thereto, at the seat of justice of the respective county, and in such building or buildings as may be erected or appropriated for such purpose, under a penalty, in each case, of five hundred dollars, to be recovered by action of debt or information; one half thereof to be paid to the treasurer of the proper county, to be applied by him to the payment of the erection or repairs of such buildings, and the other half thereof to be for the use of him who shall first sue for the penalty.

Section 13. The several courts of Quarter Sessions shall have authority, within their respective counties, to erect new townships, to divide any township already erected, and to alter the lines of any two or more adjoining townships, so as to suit the convenience of the inhabitants thereof.

Section 14. Upon application by petition to a court of Quarter Sessions, for such purpose the said court shall appoint three impartial men, if necessary, to inquire into the propriety of granting the prayer of the petition; and it shall be the duty of the commissioners so appointed, or of any two of them, to make a plot or draught of the township proposed to be divided, and the division line proposed to be made therein, or of the township proposed to be laid off, or of the lines proposed to be altered of two or more adjoining townships, as the case may be, if the same cannot be fully designated by natural lines or boundaries; all which they or any two of them shall report to the next court of Quarter Sessions, together with their opinion of the same; and at the term after that, at which the report shall be made, the court shall take such order thereupon as to them shall appear just and reasonable.

## II. OF COUNTY OFFICERS.

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Section 15. The electors of every county shall, on the day of the general election, in each year, elect one respectable citizen, to serve as commissioner of the county, for the term of three years next ensuing such election, and until a successor shall be duly elected or appointed.

Section 16. If an election of a county commissioner

shall not take place, as is herein before provided, or if such election shall be set aside according to law, or if any commissioner shall decline serving in such office, or shall die or remove out of the county, or be removed from office, the remaining commissioner or commissioners, together with the court of Quarter Sessions of the County, shall appoint a suitable citizen to fill the vacancy, until the next general election, when a commissioner shall be elected for the unexpired term.

Section 17. Every commissioner, elected or appointed, as aforesaid, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some person having authority to administer oaths, to support the constitution of the United States and that of this state, and to perform the duties of his office with fidelity; which oath or affirmation, certified by the person before whom it was taken, shall, within ten days hereafter, be filed by such commissioner, in the office of the clerk of the court of Quarter Sessions of the same county.

Section 18. The commissioners of each county shall assemble at the seat of justice thereof, within thirty days after the general election, in each year, when each new commissioner shall produce a certificate, under the hand and seal of the clerk of the court of Quarter Sessions of the same county, of his election and qualification, according to the provisions of this act.

Section 19. Two of the commissioners aforesaid, shall form a board for the transaction of business; and when convened in pursuance of notice, or according to adjournment, shall be competent to perform all and singular the duties appertaining to the office of county commissioners.

Section 20. It shall be the duty of the commissioners of each county, to appoint a suitable person as clerk, who shall keep the books and accounts of the board, record or file their proceedings and papers, attest all orders and warrants issued by them, and perform all other acts pertaining to his office as clerk: He shall receive for his services such sum as the commissioners shall, at their first meeting in each year, agree upon.

Section 21. Copies of the proceedings of the commissioners, certified by their clerk under the county seal, shall be good evidence of such proceedings, on the trial of any cause, in any of the courts within this commonwealth.

Section 22. It shall be the duty of the commissioners of each county, to publish annually, once a week for four successive weeks, in the month of February, a full and accurate statement of all receipts and expenditures of the preceding year, in one or more of the newspapers printed in the county, and if no newspaper be published in such county, then in at least fifty printed handbills, to be set up in the most public places in the county.

Section 23. Such statement shall enumerate the respective sums paid by each ward and township within the city and county, and also designate all sums expended for the support of prisons, the pay of each commissioner and their clerk, the repair of old or the erection of new bridges, and the sums paid to individuals for lands over which roads may have been laid out, together with such other items as may have a tendency to convey a general information of the transactions of the preceding year.

Section 24. If the commissioners of any county shall neglect or refuse to perform any duty required of them by law, or if any one of such commissioners shall neglect or refuse to perform any official duty, they or he shall respectively be fined in a sum not exceeding one hundred dollars.

Section 25. The commissioners of every county shall respectively have power to administer oaths and affirmations, in all cases arising in the performance of the duties of their office.

Section 26. The commissioners of each county shall respectively receive out of the county treasury, the sum



of one dollar and fifty cents, for each day they shall necessarily attend to the duties of their office.

## 2. County Treasurer.

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Section 27. The commissioners of each county shall, annually, in the first week in the month of January, appoint a respectable citizen as county treasurer; and, in the event of the death, removal from the county, or misbehaviour in office, of such treasurer, it shall be the duty of the commissioners to appoint a fit person to fill the vacancy, until the end of the year.

Section 28. Provided, that no judge, clerk, or prothonotary of any court, county commissioner, or auditor, shall receive the appointment of county treasurer; and that no person shall be appointed to such office, within three years after he shall have been a county commissioner or auditor. And provided, also, that no county treasurer shall be capable of receiving a re-appointment, unless he produce to the commissioners a certificate from the Auditor General and State Treasurer, that his accounts with the commonwealth have been duly settled, and the moneys belonging to the commonwealth paid over according to law, which certificate shall be filed in the office of such commissioners.

Section 29. No county treasurer shall serve in such office longer than three years in any term of six years.

Section 30. If the commissioners of any county shall appoint to the office of treasurer, any person who by law is declared to be incapable of receiving such appointment, they shall be deemed to be guilty of a misdemeanor in office: and each commissioner consenting to such appointment, shall be sentenced to pay a fine of not less than fifty dollars, nor more than three hundred dollars, at the discretion of the court, for the use of the commonwealth.

Section 31. It shall be the duty of the commissioners of each county, annually, within ten days after the appointment of county treasurer, to grant to such treasurer a certificate of his appointment, under the county seal, which shall be entered of record in the office of the recorder of deeds of the same county; and also to forward to the Auditor General, a certificate in similar form, stating the name of the county treasurer, and the date of his appointment.

Section 32. No person, appointed treasurer of any county, shall undertake any of the duties of his office, until a certificate of his appointment shall have been given and recorded, in conformity with this act, nor until he shall have given bond with sureties, as is herein after provided.

Section 33. Each county treasurer shall give bond with sureties, to the satisfaction of the commissioners, conditioned for the faithful performance of the duties of his office, for a just account of all moneys that may come into his hands on behalf of the county, for the delivery to his successor in office of all books, papers, documents, and other things held in right of his office, and for the payment to him of any balance of money belonging to the county, remaining in his hands.

Section 34. Each county treasurer shall also, before entering upon the duties of his office, give a bond with sufficient security, to be approved of by at least two of the judges of the court of Quarter Sessions of the same county, and in such penalty as the said judges shall deem sufficient, conditioned for the faithful discharge of all duties enjoined upon him by law, in behalf of the commonwealth, and for the payment according to law, of all moneys received by him for the use of the commonwealth; which bond shall be taken by, and acknowledged before the recorder of deeds of the same county, and recorded in his office, at the cost of the county treasury; and the original bond shall be forthwith transmitted to the Auditor General.

Section 35. Copies of the record of the official bond of any county treasurer, acknowledged and recorded as aforesaid, and duly certified by the recorder of deeds for the time being, shall be good evidence in any action brought against such treasurer or his sureties on such bond, according to its form and effect, in the same manner as the original would be, if produced and offered in evidence.

Section 36. If any county treasurer shall fail to transmit to the Auditor General, within one month after his appointment, the bond required by this act to be given by him for the use of the commonwealth, the Auditor General shall give notice thereof to the county commissioners, who shall forthwith proceed to remove such treasurer from office, and appoint some suitable person in his place.

Section 37. It shall be the duty of every county treasurer to receive all moneys due or accruing to the county, and to pay the same on warrants drawn by the commissioners; he shall keep a just and true account of all moneys received and disbursed, which account shall be at all times open to the inspection of the commissioners, and of each of them; he shall once in three months, and oftener if required, furnish the commissioners with a statement of all moneys received and disbursed since the date of his last statement, exhibiting the balance remaining in his hands, together with the names of the collectors in whose hands any arrearages of taxes may remain, with the amount thereof; and he shall once in each year, state his accounts and produce his vouchers, which, after examination by the commissioners, shall be by them laid before the county auditors for settlement, according to law.

Section 38. It shall be the duty of every county treasurer to keep separate accounts of all moneys received by him, on behalf of the commonwealth, from the following sources, viz.

1. From licenses granted to hawkers and pedlars.
2. From licenses to tavern keepers.
3. From licenses to retailers of foreign merchandize; specifying, in each of these cases, the names of the parties, the rate or amount paid for such license, and the year for which such license was issued or the duty paid.
4. From exempt fines.
5. From duties on collateral inheritances; specifying the name of the decedent, and the amount or value of the estate.



6. From taxes assessed on personal property, in pursuance of any act of Assembly.

7. From taxes assessed on real estate, in pursuance of any act of Assembly.

8. Under the laws providing for the gradual collection of moneys due to the commonwealth for lands.

Section 39. It shall be the duty of every county treasurer, annually, in the month of September, and oftener if required by the Auditor General, to forward to the Auditor General, a statement, under oath or affirmation, of all moneys received by him for the use of the commonwealth, since the date of his last statement, distinguishing the amount received from each source of revenue, and embracing the several particulars herein before stated.

Section 40. It shall be the duty of every county treasurer, within ten days after the first day of March, June, September and December, in each year, to pay over to the State Treasurer, the amount of moneys received by him for the use of the commonwealth during the preceding quarter, deducting therefrom such sum or amount as may by law be allowed to him for his compensation.

Section 41. Each county treasurer shall receive in full compensation for his services on behalf of the county, a certain amount per cent. on all moneys received and paid by him; which rate shall be settled from time to time, by the county commissioners, with the approbation of the county auditors.

Section 42. Each county treasurer shall be entitled to deduct from the gross amount of moneys received by him for the use of the commonwealth, a commission in the following proportions, viz. where the whole sum accounted for quarterly does not exceed one thousand dollars, at the rate of five per cent.; where it exceeds one thousand dollars, at the rate of five per cent. on the sum of one thousand dollars, and one per cent. on the excess beyond that sum. Provided, that no commission shall be allowed to any county treasurer, unless his accounts shall be transmitted, and the amounts due to the commonwealth be paid over, within the time herein before provided.

Section 43. If any county treasurer shall neglect or refuse to perform any of the duties required of him by law, he shall be fined in a sum not exceeding two hundred dollars, and shall be disqualified from holding the office.

Section 44. If any county commissioner or county treasurer shall be concerned in any contract, or shall be directly or indirectly interested in the construction of any public work or improvement, made or undertaken under the authority of the commissioners of the same county, the same shall be deemed a misdemeanor in office, and such commissioner or treasurer shall be fined in a sum not exceeding five hundred dollars, and shall be adjudged by the court to be removed from office. Provided, that nothing herein contained shall be construed to prevent such commissioner receiving his lawful compensation, while necessarily attending, in his official character, to the progress of any public work or improvement.

### 3. County Auditors.

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Section 45. The electors of every county shall, on the day of the general election, in each year, elect one respectable citizen to serve as auditor of the county, for the term of three years next ensuing such election, and until a successor shall be duly elected or appointed.

Section 46. If an election of an auditor shall not take place, as is herein before provided, or if such election shall be set aside according to law, or if any auditor shall decline serving in the office, or shall die or remove out of the county, or be removed from office, the court of Quarter Sessions of the county shall appoint a suitable citizen to fill the vacancy, until the next general election, when an auditor shall be elected for the unexpired term.

Section 47. Every auditor elected or appointed as aforesaid, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some person having authority to administer oaths, to support the constitution of the United States and that of this state, and to perform the duties of his office with fidelity; which oath or affirmation, certified by the person before whom it was taken, shall, within ten days thereafter, be filed by such auditor, in the office of the clerk of the court of Quarter Sessions of the proper county.

Section 48. The auditors of each county shall assemble at the seat of justice thereof, on the first Monday of January in each year, and at such other times as they may find necessary for the performance of the duties required of them by law.

Section 49. The auditors of each county, any two of whom, when duly convened, shall be a quorum, shall audit, settle, and adjust the accounts of the commissioners, treasurer, and sheriff and coroner of the county, and make report thereof to the court of Common Pleas of such county, together with a statement of the balances due from or to such commissioner, treasurer, sheriff, or coroner.

Section 50. It shall also be the duty of the auditors of each county, to audit, settle, and adjust the accounts of the commissioners, treasurer, and sheriff and coroner of the county, with the state treasury, and of such other officers in the county, receiving money for the use of the commonwealth, as may be referred to them by the Auditor General; and to make a separate report thereof to the court of Common Pleas for the county, together with a statement of the balances due from or to such commissioners, treasurer, sheriff, coroner, or other officer.

Section 51. The auditors of each county shall have power to issue subpoenas, to obtain the attendance of the officers, whose accounts they are required to adjust, their executors and administrators, and of any persons whom it may be necessary to examine as witnesses, and to compel their attendance by attachment, in like manner, and to the same extent as any court of Common Pleas of this state may or can do in cases depending before them; and also to compel, in like manner, the production of all books, vouchers, and papers, relative to such accounts; and such subpoena and attachmen



shall be served and executed by the sheriff or coroner of the respective county, as the case may require.

Section 52. The auditors of each county shall have power to administer oaths and affirmations, to all persons brought or appearing before them, whether accountants, witnesses or otherwise; and all persons guilty of swearing or affirming falsely on such examination, shall be liable to the pains and penalties of perjury.

Section 53. If any person, appearing before such auditors for examination, shall refuse to take such oath or affirmation, or, after having been sworn or affirmed, shall refuse to make answer to such questions as shall be put to him by the auditors, touching the public accounts, or the official conduct of such public officers, or any of them, such person so refusing, may be committed by the auditors to the county jail, by warrant under their hands and seals, directed to the sheriff or any constable of the county, setting forth, particularly, the cause of such commitment, until he shall submit to be sworn or affirmed, or to make answers to such questions, or to be otherwise legally discharged.

Section 54. Witnesses attending before auditors shall receive out of the county stock, the same allowance as is received by witnesses attending before the courts of this state; and where final judgment shall be given against any officer, whose accounts shall have been settled by the auditors, the charges of the attendance of such witnesses shall be included in the costs assessed against such officer.

Section 55. If any person, in possession of books, vouchers and papers, relative to public accounts before auditors, shall refuse to produce the same; or, if any officer, whose accounts are to be settled and adjusted by such auditors, shall refuse to attend, or submit to examination, as herein before directed, the auditors shall proceed by the examination of witnesses and other evidence, to ascertain and settle, as near as may be, the amount of public money received by such officer, and its application to public purposes, or otherwise.

Section 56. The report of the auditors shall be filed among the records of the court of Common Pleas of the respective county, and from the time of being so filed, shall have the effect of a judgment against the real estate of the officer, who shall thereby appear to be indebted, either to the commonwealth or to the county.

Section 57. An appeal may be made from such report, to the court of Common Pleas of the same county, either by the commonwealth, the county, or the officer; and, thereupon, the court may direct an issue, as the case may require, to be tried by a jury, upon whose verdict final judgment shall be entered.

Section 58. Provided, That such an appeal shall be entered by the commonwealth, within four months, and by the county and officer, within sixty days, after the filing of the report; And, provided also, That if the officer be the appellant, he shall enter into a recognizance with two sufficient sureties, in double the sum found due by such report, with condition to prosecute the appeal with effect, and to pay the costs, and such sum of money, as he shall appear by the verdict of the jury to be indebted.

Section 59. If an appeal shall not be entered, and security given as is herein before required; or, if upon such appeal, judgment shall be given in favor of the commonwealth, or of the county, execution shall thereupon issue, against the property or person of the defaulting officer, in like manner as upon judgments recovered in the usual course of law.

Section 60. It shall be the duty of the auditors of each county, within ten days, after preparing the same, to transmit to the Auditor General, a certified copy of their report, upon the accounts of the commissioners, treasurer, and sheriff, and coroner, of the respective county, with the state treasury, and of such other officers, as may be referred to them as aforesaid.

Section 61. The auditors of each county, shall be allowed, out of the county stock, the sum of one dollar and fifty cents, each, for each day's necessary attendance upon the duties of their office.

Section 62. The amount payable to auditors, for their services, and incidental expenses, and the costs at the attendance of witnesses before them, shall be paid out of the county stock, by an order drawn upon the county treasurer, by the judges of the court of Common Pleas of the same county.

#### 4. Sheriff and Coroner.

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Section 63. Every sheriff, before he shall be commissioned, or execute any of the duties of his office, shall enter into a recognizance, and become bound in a bond, with at least two sufficient sureties, in the sums and manner hereinafter mentioned.

Section 64. The recognizances and bonds of the several sheriffs of this commonwealth, shall be taken in the following sums, respectively, to wit:

City and county of Philadelphia, sixty thousand dollars.

- County of Bucks, fifteen thousand dollars.
- County of Chester, twenty thousand dollars.
- County of Lancaster, twenty-five thousand dollars.
- County of York, fifteen thousand dollars.
- County of Berks, twenty thousand dollars.
- County of Cumberland, fifteen thousand dollars.
- County of Northampton, fifteen thousand dollars.
- County of Bedford, eight thousand dollars.
- County of Northumberland, fifteen thousand dollars.
- County of Westmoreland, ten thousand dollars.
- County of Washington, fifteen thousand dollars.
- County of Fayette, ten thousand dollars.
- County of Franklin, ten thousand dollars.
- County of Montgomery, fifteen thousand dollars.
- County of Dauphin, fifteen thousand dollars.
- County of Luzerne, seven thousand dollars.
- County of Huntingdon, fifteen thousand dollars.
- County of Allegheny, ten thousand dollars.
- County of Mifflin, fifteen thousand dollars.
- County of Delaware, eight thousand dollars.
- County of Lycoming, five thousand dollars.
- County of Somerset, five thousand dollars.



County of Greene, five thousand dollars.  
 County of Wayne, six thousand dollars.  
 County of Adams, eight thousand dollars.  
 County of Centre, five thousand dollars.  
 County of Crawford, five thousand dollars.  
 County of Beaver, five thousand dollars.  
 County of Butler, five thousand dollars.  
 County of Mercer, five thousand dollars.  
 County of Erie, five thousand dollars.  
 County of Warren, five thousand dollars.  
 County of Venango, five thousand dollars.  
 County of Armstrong, five thousand dollars.  
 County of Indiana, five thousand dollars.  
 County of Jefferson, five thousand dollars.  
 County of M'Kean, five thousand dollars.  
 County of Clearfield, five thousand dollars.  
 County of Potter, (when organized,) five thousand dollars.

County of Tioga, five thousand dollars.  
 County of Cambria, five thousand dollars.  
 County of Bradford, five thousand dollars.  
 County of Susquehanna, five thousand dollars.  
 County of Schuylkill, twenty thousand dollars.  
 County of Lehigh, fifteen thousand dollars.  
 County of Lebanon, fifteen thousand dollars.  
 County of Columbia, fifteen thousand dollars.  
 County of Union, fifteen thousand dollars.  
 County of Pike, six thousand dollars.  
 County of Perry, fifteen thousand dollars.  
 County of Juniata, fifteen thousand dollars.

And the recognizance and bond of the sheriff of each county, which shall hereafter be erected and organized, shall be taken in the sum of five thousand dollars, and for every representative of such new county, in the General Assembly, more than one, in the additional sum of four thousand dollars.

Section 65. The form of the recognizance to be taken from the sheriff of each county, and his sureties, shall be as follows, to wit: "You (A. B., C. D. and E. F.) do acknowledge that you owe unto the commonwealth of Pennsylvania, the sum of ———, to be levied and made of your several goods and chattels, lands and tenements, upon condition, that if you (A. B.) shall and do, without delay and according to law, well and truly serve and execute all writs and process of the commonwealth of Pennsylvania, to you directed, and shall and do, from time to time, upon request to you for that purpose made, well and truly pay or cause to be paid, to the several suitors and parties interested in the execution of such writs and process, their lawful attorneys, factors, agents, or assigns, all and every sum and sums of money to them respectively belonging, which shall come to your hands, and shall and do from time to time, and at all times, during your continuance in the office of the sheriff of the county of ———, well and faithfully execute and perform all and singular, the trusts and duties to the said office lawfully appertaining, then this recognizance to be void, or else to be and remain in full force and virtue."

Section 66. The form of the bond to be given by the sheriff, and his sureties, shall be as follows, to wit: "Know all men by these presents, that we (A. B., C. D. and E. F.) are held and firmly bound unto the commonwealth of Pennsylvania, in the sum of ——— dollars, to be paid to the said commonwealth for the uses, intents and purposes declared and appointed by law; to which payment, well and truly to be made, we bind ourselves and heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, dated the ——— day of ——— A. D. The condition of the above obligation is such, that if the said A. B. shall and do, without delay, according to law, well and truly serve and execute all writs and process of the said commonwealth to him directed, and shall and do, from time to time, upon the request to him for that purpose made, well and truly pay or cause to be paid, to the several suitors and parties interested in the execution of such writs or process, their lawful attorneys,

factors, agents or assigns, all and every sum and sums of money to them respectively belonging, which shall come to his hands, and shall and do, from time to time, and at all times, during his continuance in the said office, well and faithfully execute and perform all and every of the trusts and duties to the said office appertaining, then this obligation to be void, or else to be and remain in full force and virtue."

Section 67. The coroner of each county, before he shall be commissioned, or execute any of the duties of his office, shall enter into a recognizance, and become bound in a bond, with at least two sufficient sureties, in one fourth of the sum, which shall be by law required from the sheriff of the same county.

Section 68. The condition of the recognizance and bond to be given by the coroner shall be, that such coroner will "well and duly perform all and singular, the duties to the said office of coroner appertaining;" and such recognizance and bond shall be a security to the commonwealth, and to all persons whomsoever, for the faithful discharge and due performance of all the duties required by law from such coroner.

Section 69. Every such recognizance entered into by a sheriff and coroner, shall be taken by the recorder of deeds of the proper county, and recorded in his office; and, when so recorded, shall be by him transmitted to the Secretary of the Commonwealth, with a certificate endorsed by such recorder, of its having been duly recorded.

Section 70. Before any such bond of recognizance shall be taken by the recorder of deeds, the sufficiency of the sureties therein named, shall be submitted to, and approved of, by the judges of the court of Common Pleas of the proper county, or by any two of them, for that purpose convened, who shall certify their approbation of such sureties to the recorder; and no commission shall afterwards be granted, until the Governor shall have also approved of the sufficiency of such sureties.

Section 71. Provided, That no judge, clerk or prothonotary of any court, or attorney at law, shall be permitted to become a surety in such bond or recognizance; and that no person shall be received as surety for a sheriff, and for a coroner, at the same time.

Section 72. Copies of the record of any such bond or recognizance acknowledged and recorded as aforesaid, and duly certified by the recorder of deeds for the time being, shall be good evidence, in any action brought against the obligors or cognizors, according to its form and effect, in the same manner as the original would be, if produced and offered in evidence.

Section 73. It shall be the duty of every sheriff, and of every coroner, immediately after receiving his commission from the Governor, to deliver the same to the recorder of deeds of the county, by whom the same shall be recorded at the expense of such sheriff or coroner.

Section 74. No person elected or appointed to the office of sheriff or coroner, shall presume to execute any of the duties of such office, before a commission shall have been duly granted to him and left to record as herein before provided, under penalty of imprisonment for a term not exceeding six months, at the discretion of the court of Quarter Sessions of the county. Provided, that such person and his sureties in any bond or recognizance, given by him for the due discharge of the duties of the office, shall, nevertheless, be liable to any person injured, by any acts done by him under color of such office.

Section 75. All the real estate, within the same county, of a sheriff and coroner, and their respective sureties, shall be bound by a recognizance, taken in manner aforesaid, as effectually as by a judgment to the same amount in any court of record of such county; and it shall be the duty of every recorder of deeds, so soon as a sheriff or coroner shall be commissioned, to certify the recognizance taken by him to the prothonotary



of the court of Common Pleas of the same county, who shall enter the names of the parties thereto upon his docket, in like manner as judgments are by law directed to be entered.

Section 76. If any sheriff shall be legally removed from his office, or shall die before the expiration of the term for which he shall have been commissioned, the coroner of the same county shall execute the office of sheriff, and perform all things thereunto appertaining, until another shall be duly commissioned, and a notice thereof given to such coroner.

Section 77. Whenever a vacancy shall happen in the office of sheriff or coroner, which is to be filled by a new appointment, in the manner prescribed by the constitution of this commonwealth, the person so to be appointed, shall enter into a recognizance, and give bond with sureties, to be approved in manner aforesaid, in such sum as shall be determined by the judges of the court of Common Pleas of the same county, or by any two of them, for that purpose convened.

Section 78. It shall be the duty of every sheriff, annually, on the first Monday in November, and oftener if required by the Auditor General, to render to the Auditor General an account, under oath or affirmation, of all moneys received by him for the use of the commonwealth, during the preceding year, or since the last preceding settlement, and pay over the same, within ten days after rendering such account, to the State Treasurer, deducting therefrom a commission at the rate of two and a half per cent. on the amount so received.

Section 79. It shall be the duty of every sheriff, and of every coroner acting as sheriff, to provide and keep in his office a proper book or books, in which he shall enter all writs that may come to his hands, and the proceedings thereon; and at the expiration of his term of office, such books shall be deposited in the office of the prothonotary of the court of Common Pleas of the same county, for the inspection of all persons interested therein.

Section 80. It shall be the duty of every sheriff, his deputy or agent, and of every coroner acting as sheriff, whether a demand for that purpose shall be made or not, immediately after receiving any of his fees, or any written security therefor, to deliver a bill of particulars, specifying the several items contained therein, and the amount thereof, and to give the party paying such fees a receipt in full therefor, or indorse on such written security, when taken, that the same was given for fees, and to sign the indorsement so to be made; and if any sheriff, his deputy or agent, or coroner acting as aforesaid, shall refuse or neglect to give such bill of particulars or receipt, or to make such indorsement, he shall forfeit and pay any sum not exceeding fifty dollars, to the party injured, who is hereby declared to be a competent witness to prove such refusal or neglect.

Section 81. It shall be the duty of every sheriff to place and keep up in some conspicuous part of his office the eightieth section of this act, for the inspection of all persons having business in such office, on pain of forfeiting for each day that the same shall be missing, through his neglect, the sum of ten dollars, one-half of which penalty shall be for the use of the informer, and the other half for the use of the proper county.

### III. OF TOWNSHIP OFFICERS.

#### CONTENTS.

Sect. 82. Election of township officers in general.

Sect. 83. Time and place of such election.

Sect. 84. Proceedings in case of failure to elect, &c.

Sect. 85. None but an elector to be eligible.

Sect. 86. Penalty for refusing to serve in such office.

Sect. 87. Oath or affirmation of township officers.

Section 82. It shall be lawful for the electors of every township, annually, to elect the following township officers, to wit:

1. An assessor.

2. Two supervisors.

3. Two overseers of the poor.

4. A township treasurer.

5. A town clerk, who shall serve in their respective offices for the term of one year, and until a successor shall be duly elected or appointed.

6. A township auditor to serve for the term of three years.

7. Two persons, whose names shall be returned to the court of Quarter Sessions of the proper county, for the office of constable, as is hereinafter provided.

And in the year 1834, and every third year thereafter it shall be lawful for the electors of every township to elect two assistant assessors for the term of one year.

Section 83. The election for assessors shall be held on the day, and at the place, appointed by law for the choice of inspectors of the general election. The election for all other township officers shall be held at such place, on the Friday preceding the third Saturday in the month of March, in each year.

Section 84. If the electors of any township shall fail to choose any township officer, other than assessor, assistant assessors, or constable, or if any person elected to such office shall neglect or refuse to serve therein, or if any vacancy shall happen in such office by death or otherwise, it shall be lawful for the court of Quarter Sessions of the proper county, to appoint a suitable person to fill such office until the next annual election. Provided, that in the case of township treasurer or town clerk, no such appointment shall be made except on the application, in writing, of at least thirty electors of the township.

Section 85. No person shall be eligible to any township office, unless he be an elector of the township for which he shall be chosen.

Section 86. If any person elected or appointed to any township office, excepting that of constable, and duly notified thereof, shall neglect or refuse to serve in such office, he shall forfeit the sum of forty dollars. Provided, that no person shall be required to serve in any office oftener than once in ten years.

Section 87. Every person elected or appointed to any township office, shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, before some person having authority to administer oaths, to support the constitution of the United States, and that of this commonwealth, and to perform the duties of his office with fidelity; a copy of which oath or affirmation, certified by the person by whom the same shall be administered, shall, within ten days thereafter, be filed with the town clerk, if there be one, in such township.

#### 1. Assessors.

#### CONTENTS.

Sect. 88. Proceedings in case of failure to elect.

Sect. 89. Assessor to produce copy of oath, &c.

Sect. 90. Assessor to keep an account of the days employed.

Section 88. If the electors of any township shall fail to choose an assessor or assistant assessor, at the time appointed by law, or if any person elected to such office shall neglect or refuse to serve therein, or if any vacancy shall happen therein by death or otherwise, the commissioners of the county shall appoint a fit person to fill the office, who shall have the same powers, be subject to the same penalties, and receive the same compensation, as if he had been elected in manner aforesaid.

Section 89. It shall be the duty of each assessor and assistant assessor, to produce to the commissioners of the county, within twenty days after his election or appointment, a copy of the oath or affirmation, taken and subscribed by him as is herein before directed, and attested by the person by whom the same was administered.



ed which shall be filed by the commissioners in their office.

Section 90. It shall be the duty of each assessor and assistant assessor, to keep an account of the several days by him actually employed in the performance of his duties, and to make return of the same to the commissioners of the county, verified by his oath or affirmation; and for each day so necessarily employed, he shall receive the sum of one dollar

### 2. Supervisors.

#### CONTENTS.

Sect. 91. Supervisors to keep accounts.

Sect. 92. Penalty for refusing to settle, &c.

Sect. 93. Penalty for refusing to perform any duty.

Sect. 94. Pay of supervisors.

Section 91. It shall be the duty of the supervisors of each township, to keep fair and clear accounts, in a book to be provided for the purpose, of all monies received by them, or either of them; and of all monies by them, or either of them, expended on behalf of the township; and such accounts, verified by oath or affirmation, shall be exhibited to the township auditors at the annual settlement of the accounts of such supervisors.

Section 92. If any supervisor shall neglect or refuse to produce his accounts before the auditor, or shall neglect or refuse forthwith to pay over to his successor in office, any balance of public money in his hands, or to deliver to such successor, the books of account as aforesaid, it shall be lawful for the auditors, by warrant under their hands and seals, directed to the sheriff or any constable of the county, setting forth particularly the cause of such commitment, to commit such delinquent to the county jail until he shall comply with the requisitions of the law, or be otherwise legally discharged.

Section 93. If any supervisor shall neglect or refuse to perform any duty required of him by law, he shall forfeit and pay a sum not less than four dollars, nor exceeding fifty dollars, to be recovered in a summary way before any justice of the peace of the county, and applied towards repairing the highways of the same township. Provided, that such supervisor may appeal from the judgment of such justice to the next court of Quarter Sessions, who shall take such order thereon as to them shall appear just and reasonable, and the same shall be final and conclusive.

Section 94. Each supervisor shall be allowed, in the settlement of his accounts, the sum of one dollar for each day he shall be necessarily employed in discharging the duties of his office.

### 3. Overseers of the Poor.

#### CONTENTS.

Sect. 95. Overseers to have corporate powers for certain purposes.

Sect. 96. Overseers removing, &c. to deliver up papers, &c.

Sections 97. The overseers of the poor of every township shall have capacity as a body corporate.

1. To sue and be sued as such.

2. To take and hold real estate within the limits of the township, and also personal property, for the benefit of the poor of the township, and for no other use or purpose.

Section 96. If any overseer shall remove out of the township, he shall previously thereto deliver over to some other overseer of the same township, all books of account, documents and other papers, and all moneys and effects in his possession in right of his office; and upon the death of any overseer, it shall be the duty of his executors or administrators, within forty days after his decease, to deliver over all such books, documents, papers and effects to some overseer as aforesaid, and to

pay out of the assets in his hands, all such moneys, before paying any of the debts of the decedent.

### 4. Township Treasurer.

#### CONTENTS.

Sect. 97. Township treasurer to give bond with sureties.

Sect. 98. Township treasurer to receive township moneys, &c.

Sect. 99. His compensation.

Sect. 100. Penalty for failing to perform any duty.

Section 97. Each township treasurer shall give bond with sureties, to the satisfaction of the supervisors and overseers of the same township, conditioned for the faithful performance of the duties of his office, for a just account of all monies that may come into his hands by virtue thereof, for the delivery to his successor in office of all books, papers, documents, and other things held in right of his office, and for the payment to him of any balance of money belonging to the township that may remain in his hands.

Section 98. It shall be the duty of every township treasurer to receive all moneys due or accruing to the township, and to keep distinct accounts of all sums received from the road tax, the poor tax, and other sources; which accounts shall at all times be open to the inspection of the supervisors and overseers of the poor of the township, and of each of them. He shall pay all moneys received by him, from taxes or otherwise for the use of the poor, on orders drawn by the overseers of the poor; and all other moneys on orders drawn by the supervisors of the township. And he shall annually, in the month of March, state his accounts, and lay the same, together with the vouchers, before the township auditors for settlement according to law.

Section 99. Each township treasurer shall receive in full compensation for his services, a certain amount per cent. on all moneys received and paid by him; which rate shall be settled, from time to time, by the supervisors and overseers of the poor of the township, with the approbation of the township auditors.

Section 100. If any township treasurer shall neglect or refuse to perform any of the duties of his office, he shall be fined in a sum not exceeding one hundred dollars, and shall be disqualified from holding the office.

### 5. Town Clerk.

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Sect. 101. Town Clerk to be clerk to supervisors and overseers.

Sect. 102. Town clerk to keep suitable books.

Sect. 103. Where such books shall be deposited.

Section 101. The town clerk in each township shall *ex-officio*, be clerk to the supervisors and overseers of the poor of the same township; and, as such, shall keep a record of the proceedings of the said offices, and shall receive such compensation therefor as they shall determine.

Section 102. It shall be the duty of each town clerk, whenever necessary, to provide a suitable book or books, for the purpose of entering therein, all matters of which he shall by law be required to keep a record, the expenses of which books shall be paid by the township treasurer out of the township funds.

Section 103. The book or books so to be provided by the town clerk, shall be kept at the place appointed for holding the township elections, or as near thereto as conveniently may be, and shall be open to the inspection of any person who may have occasion to search therein, and for each search he shall be entitled to a fee of ten cents.

### 6. Township Auditors.

#### CONTENTS.

Sect. 104. Auditors to settle accounts of supervisors and overseers.



Sect. 105. Their report to be filed with the town clerk, &c.

Sect. 106. Appeal from such report.

Sect. 107. Powers of the auditors.

Sect. 108. Pay of the auditors.

Section 104. The auditors of each township, any two of whom duly convened, shall be a quorum, shall audit, settle, and adjust the accounts of the supervisors, overseers of the poor, and treasurer of the township, and such other township officers as may by law be referred to them.

Section 105. The report of such township auditors shall be filed with the town clerk; if there be one, and if there be no town clerk, it shall remain with the senior auditor, for the inspection of all persons concerned.

Section 106. It shall be lawful for the township, or the officer accounting, to appeal from such settlement to the court of Common Pleas of the same county, within thirty days after such settlement; whereupon the court may direct an issue to determine disputed facts, if necessary. Provided, that no appeal by such officer shall be received, unless the appellant shall enter into a recognizance with two sufficient sureties, conditioned to prosecute the appeal with effect, and to pay all costs accruing thereupon.

Section 107. The auditors of each township shall have the same power and authority to obtain the attendance before them of parties and witnesses, and the production of books and papers, and to administer oaths and affirmations, as are by law given to county auditors.

Section 108. The auditors of every township shall respectively receive the sum of one dollar for each day necessarily employed in the duties of their office, which shall be paid by the township treasurer out of the township funds.

#### Constables.

#### CONTENTS.

Sect. 109. Person elected to appear at the Quarter Sessions.

Sect. 110. Quarter Sessions to appoint one of the persons returned.

Sect. 111. Provision in case of failure to elect, &c.

Sect. 112. Penalty for refusing to serve.

Sect. 113. Proviso for persons who have served within ten years.

Sect. 114. Bonds of constables.

Sect. 115. Deputy not to be appointed without approbation of court.

Sect. 116. Proviso in case of death, &c. during vacation.

Sect. 117. Provision for the recovery of pecuniary penalties.

Sect. 118. This act not to repeal special local provisions.

Section 109. It shall be the duty of every person elected to the office of constable, in any township, to appear on the first day of the next court of Quarter Sessions of the same county, to accept or decline such office; and if any person so elected, and duly notified thereof, shall neglect or refuse so to appear, he shall forfeit to the commonwealth the sum of thirty dollars, to be levied by order of the court.

Section 110. The court to which a return, as aforesaid, shall be made, shall appoint one of the persons returned to be constable of the township, for the term of one year from the date of his appointment, and until a successor shall be duly appointed, if it shall appear to the satisfaction of the court that he possesses a freehold estate in his own right, clear of all encumbrances, of the value of at least one thousand dollars; or, if he does not possess such freehold estate, if he shall give bond with at least one sufficient surety, to be approved of by the court, in the sum and manner hereinafter directed. Provided, that the court shall in all cases give a preference, in such appointment, to the person highest

on the return, if he be a freeholder, as aforesaid, or offers to give security, as herein before provided.

Section 111. If the electors of any township shall fail to elect two persons for the said office, or if both the persons returned should be incompetent with respect to estate, or unable to give the requisite security, or should refuse to take upon themselves the said office, or in the event of vacancy in the office by death or otherwise, it shall be the duty of the said court to appoint some other respectable person, possessing a freehold estate of the value aforesaid, or who shall give the security required, to serve as constable until the next annual election, and until a successor be duly appointed.

Section 112. If any person, who shall be duly elected and appointed a constable, or who shall be appointed as such by the court, in the cases herein before mentioned, and who shall possess a freehold estate of the value aforesaid, shall refuse or neglect to take upon himself the said office, or shall not procure a deputy to undertake the duties thereof, he shall be fined by the court in the sum of forty dollars.

Section 113. Provided, that no person shall be liable to the penalty aforesaid, who shall have served personally, or by deputy, in the office of constable of the same township, within ten years of his said election or appointment; or, having been elected or appointed within that period, shall have paid the penalty aforesaid.

Section 114. The bond to be given by a constable shall be in such sum, not less than five hundred dollars, nor more than three thousand dollars, as the court shall direct, and shall be taken by the clerk of the court in the name of the commonwealth, with condition for the just and faithful discharge by the said constable of the duties of his office. And such bond shall be held in trust for the use and benefit of all persons who may sustain injury from him, in his official capacity, by reason of neglect of duty, and for the like purposes and uses, as sheriffs bonds are given and held.

Section 115. No deputy shall be appointed by any constable, either by general or partial deputation, without the approbation of the court of Quarter Sessions of the proper county first had and obtained, except the same be made especially in some civil suit or proceeding, at the request and risk of the plaintiff.

Section 116. Provided, that in the event of the death, inability, or refusal to act, of his deputy, the constable of any township may with the approbation of any one of the judges of the court of Quarter Sessions of the same county, appoint another deputy, with full authority to act as such until the next regular session of such court; and for the acts of such deputy, the constable and his sureties shall be liable as in other cases, and in every such case the constable shall file a written copy of such deputation in the office of the clerk of the court of Quarter Sessions of such county.

Section 117. In every case in which any pecuniary penalty or forfeiture is imposed by this act, the proceeding for the recovery of the same shall be by indictment or information in the court of Quarter Sessions of the proper county, unless it be otherwise specially provided.

Section 118. Nothing in this act contained shall be so construed as to repeal any special provision heretofore made by law for any city, borough, district or township in this commonwealth.

#### ST. PETER'S CHURCH.

From an Appendix to two Sermons preached by Rev. Dr. De Lancey, in St. Peter's Church, on the 23d and 30th of June 1833, which have, at the request of the vestry, been published.

"In the records of the long, eventful life of the venerable rector of this church, few things can be more grateful than the reflection that sixty years' connexion with this congregation have not witnessed a single controversy among its members."

The following brief outline of the history of St. Pe-



ter's, suggested by this allusion to its present venerable rector, will probably be new to many of its members.

St. Peter's church was erected at the suggestion and through the influence of several members of Christ's church, (then the only Episcopal church in Philadelphia,) resident in that part of the city where the church stands. It was dedicated in 1761. The ensuing account of the dedication is taken from the preface to the Sermon preached on the occasion by the Rev. Dr. WILLIAM SMITH, Provost of the University of Pennsylvania.

"In this country, then, where our church is far removed from the government of her bishops, and where it hath not yet been the method, (nor indeed would circumstances always admit,) before a stated use of our newly erected places of worship, to solicit a special authority for separating them to God's service, in the express manner of any approved ritual; all we can do is to preserve so much of the original design of the thing as Presbyters may warrantably perform; and which, in such circumstances, may be thought more immediately necessary for edification. We may meet on a fixed day; and in conjunction with the common service of the church, may use such particular forms of prayer and sermons as may be suitable to the occasion; professing before God and the world, our humble desire of setting apart such places to his service, and keeping them continually sacred to that pious end.

Thus much is in the power of every religious society; and thus much, at least, as members of the church of England, it is our particular duty to do, with all possible solemnity, gravity, and love to God, whensoever we devote any particular place to his service; in order that, forever afterwards when we enter therein, we may consider ourselves as entering into the place, where He hath promised to manifest His more immediate presence; and behave ourselves when there, (as the primitive Christians are \* said to have done in their places of worship,) with the utmost reverence and devotion, as in the palace of the Great King.

These were the principles kept in view at the opening of St. Peter's church in this city; and the best testimony for the conduct of that solemnity, is the approbation it met with, even from some who came prejudiced against every thing of that kind. And here it is but justice to the officiating ministers to set down the whole order and choice of the service, made by them on this occasion.

1. A beginning was made, with pronouncing the following sentences.

"Thus saith the Lord: The heaven is my throne, and the earth is my footstool. Where is the house that ye build unto me? and where is the place of my rest?"—*Isaiah.*

"From the rising of the sun, even unto the going down of the same, my name shall be great among the Gentiles; and in every place incense shall be offered unto my name, and a pure offering; for my name shall be great among the heathen, saith the Lord of hosts."—*Malachi.*

"The wilderness and the solitary place shall be glad, and the desert shall rejoice and blossom as the rose."—*Isaiah.*

"Where two or three are gathered together in my name, there am I in the midst of them."—*St. Matthew.*

2. An occasional Prayer from the Reading-desk.

3. Morning Prayer of the church, as usual.

4. Proper Psalms, 84th, 122d, 132d.

5. The Lessons, viz. { 1 Kings, ch. viii.  
{ St. Matt. ch. xxi. to v. 14th.

[N. B. Thus far, (except reading the Absolution,) by the youngest officiating minister.†]

6. An occasional Prayer, with a baptism, at the fount [by the author of the Sermon.]‡

7. The remainder of the morning service, (using only,

instead of the collect for the day, that for St. Peter's day, and the last for good Friday,) by the eldest missionary present.\*

8. Occasional Prayer, with the Communion service.

9. The Epistle. Haggai, ch. 2d, to verse 10th.

10. The gospel for St. Peter's day.

[N. B. This part of the service was performed at the altar, by the eldest officiating minister.]†

To this succeeded the Sermon; and if a judgment might be formed from the attention wherewith it was received by a very crowded audience, the author may flatter himself that now when it appears from the press, and solicits a candid perusal in the closet, it may be of some service; more especially that part which regards our neglected Sabbath and public ordinances.

The author's engagements allow him but few opportunities of addressing the world in this way; and those hitherto have chiefly arisen out of public occasions, where the calls were sudden, and where he hath only had leisure to show the warmth of the heart, and not the labor of the head—Happy always if, with a desire to serve his friends, he can give any testimony of a zeal for truth, and for that church whereof he is a member!"

At this time the Rev. Robert Jenney, L. L. D., was rector of Christ's church, to which St. Peter's was united under the same rectorship as part of the same corporation, which thenceforth became the united churches of Christ church and St. Peter's. Mr. Jenney was advanced in age, and in a feeble state of health. The Rev. William Sturgeon and the Rev. Jacob Duché were the assistant ministers.

Upon the death of Dr. Jenney, in 1762, the church remained for some time without a rector, sustained by the administrations of the other clergy. The choice ultimately fell upon Dr. Richard Peters, who held the rectorship until 1775, when he resigned, and was succeeded by the Rev. Jacob Duché in that station—the Rev. Thomas Coombs and the Rev. William White being the assistant ministers, both having been chosen in 1772.

The events of the Revolution of 1776 dispersed those clergy who adopted views adverse to the Declaration of Independence. Both Mr. Duché and Mr. Coombs left the country in that year, and the Rev. William White, then one of the assistant ministers, was appointed to the Rectorship, which he accepted with the express understanding, that in case Mr. Duché should return, he might be at liberty to surrender the parish to the former incumbent. Mr. Coombs never returned, and although Mr. Duché subsequently resided in the country, it was under circumstances which physically incapacitated him from resuming his ministerial functions. He was the victim of a paralysis.

From 1776 to 1780, Dr. White continued to officiate without assistance, alternately in the morning in one church, and in the afternoon in the other. In the last named year, the Rev. Robert Blackwell was elected assistant minister. In 1787 Dr. White proceeded to England, and was consecrated Bishop of the state of Pennsylvania in that year, continuing his connexion with the parish as Rector. In the same year the Rev. Joseph Bend was appointed an assistant minister; and appears to have resigned in 1791:

The Rev. James Abercrombie was chosen an assistant minister in 1794.

In 1809, St. James's church, in North Seventh street, was erected under the direction of the vestry, and connected with the corporation, which thenceforth consisted of the united churches of Christ church, St. Peter's, and St. James's.

Subsequently to this, in 1811, the Rev. Dr. Blackwell having resigned, on account of his advanced age and infirmities, the Rev. Jackson Kemper was chosen an assistant minister.

In 1815, the Rev. James Milnor was appointed as-

\* Chrysostom. † Rev. Mr. Duché. ‡ Rev. Dr. Smith.

\* Rev. Mr. Neill.

† Rev. Mr. Sturgeon.



sistant minister, which office he resigned upon being called, in 1817, to the Rectorship of St. George's church, New York.

In 1823, after some previous temporary annual appointments of various clergymen, the Rev. William H. De Lancey was chosen an assistant minister. He resigned the situation upon being elected Provost of the University of Pennsylvania, in 1828.

In 1829, St. James's church was amicably separated from the united churches, and erected into a distinct parish by an act of the Legislature, the Rt. Rev. Bishop White, the former Rector of the three united churches, retaining the same relation to the newly erected parish, the other churches retaining also his services with those of the assistant ministers, the Rev. Drs. Abercrombie and Kemper. At this point the narrative leaves St. James's church.

In 1821 the Rev. Dr. Kemper resigned the assistant ministry of Christ church and St. Peter's, to accept the charge of an important parish in Connecticut. His ardent and sober piety, his unremitting assiduity, his admirable parochial talents, and his faithful inculcation of evangelical truth, will long be held in fond remembrance by his many friends, and may well be contemplated by his successors as an example to guide and stimulate them in the responsible and difficult stations which they occupy.

In 1832, the united churches were separated into two distinct parishes, each under the same rector and assistant minister. In the same year the Rev. Dr. Abercrombie resigned his connexion with Christ church, as assistant minister, and in the spring of 1833 extended the resignation to St. Peter's, having spent nearly forty years in the service of these churches, long admired for his unrivalled excellence as a reader of our admirable liturgy, for his ability as a writer, and his eloquence as a preacher; and exhibiting in his long continued, active, and steady discharge of ministerial duty, an unbroken attachment to the cause of Christ and of his church. St. Peter's church being thus vacant as to a permanent assistant minister, the author of the preceding discourses, and of this hasty sketch, having in the same year, 1833, been unanimously invited to resume his connexion with this congregation, became the assistant minister of St. Peter's church, to succeed to the rectorship when it shall become vacant. May he ever emulate the piety, zeal, prudence, and devotedness of those who have preceded him in this important charge.

#### PROTESTANT EPISCOPAL CHURCH.

From the Journals of the Convention.

##### *List of the Clergy of the Diocese of Pennsylvania.*

JUNE, 1833.

The Right Rev. William White, D. D. Senior Bishop of the American Protestant Episcopal church, presiding in the house of bishops, bishop of the diocese, and rector of Christ church, St. Peter's, and St. James's, Philadelphia.

The Right Rev. Henry U. Onderdonk, D. D. assistant bishop of the diocese of Pennsylvania, Philadelphia.

The Rev. James Abercrombie, D. D. residing in Philadelphia.

The Rev. Charles H. Alden, residing in Philadelphia.

The Rev. Thomas G. Allen, residing in Philadelphia.

The Rev. Robert Ayres, residing in Franklin, Venango county.

The Rev. Frederick W. Beasley, missionary and rector of Trinity church, Easton, Northumberland county.

The Rev. Gregory T. Bedell, D. D. rector of St. Andrew's church, Philadelphia.

The Rev. Samuel Bowman, rector of St. James's church, Lancaster, Lancaster county.

The Rev. George Boyd, rector of St. John's church, N. L. Philadelphia.

The Rev. Samuel C. Brinklé, rector of Grace church, Penn township, Philadelphia.

The Rev. Samson K. Brunot, deacon, Allegheny, Allegheny county.

The Rev. William Bryant, residing in Philadelphia, teaching a school, and officiating as domestic missionary in the service of the Society for the Advancement of Christianity in Pennsylvania.

The Rev. Edward Y. Buchanan, deacon, minister of Christ church, Meadville, Crawford county.

The Rev. Levi Bull, rector of St. Mary's church, East Nantmeal, Chester county, Bangor church, Churchtown, Lancaster county, and St. Thomas's church, Morgantown, Berks county.

The Rev. John B. Clemson, rector of St. Paul's church, Chester, St. Martin's, Marcus Hook, and St. John's church, Concord, Delaware county.

The Rev. Jehu C. Clay, rector of the Swedish churches, near Philadelphia.

The Rev. Corry Chambers, minister of St. Mark's church, Lewistown, Mifflin county.

The Rev. Christian F. Crusé, residing in Philadelphia.

The Rev. John Davis, deacon.

The Rev. Robert Davis, residing in Philadelphia.

The Rev. William H. De Lancy, D. D. Provost of the University of Pennsylvania and assistant minister of St. Peter's church, Philadelphia.

The Rev. James De Pui, rector of St. Luke's church, Pottsville, Schuylkill county.

The Rev. Jacob M. Douglass, officiating in St. Thomas's (African) church, Philadelphia.

The Rev. Charles M. Dupuy, residing in Philadelphia.

The Rev. Lyman N. Freeman, rector of Christ church, Brownsville, and missionary at Connellsville and Manalapan, Fayette county, and at Pike Run, Washington county, in the service of the Society for the Advancement of Christianity in Pennsylvania.

The Rev. Bennet Glover, missionary at Erie and Waterford, Erie county, in the service of the Society for the Advancement of Christianity in Pennsylvania.

The Rev. George E. Hare, rector of St. John's church, Carlisle, Cumberland county.

The Rev. Raymond A. Henderson, assistant minister of the Swedish churches, and missionary in the vicinity of Philadelphia.

The Rev. William Hilton, missionary at Butler and Harrisville, Butler county, at Kittanning, Armstrong county, and at Venango Furnace, Venango county, in the service of the Society for the Advancement of Christianity in Philadelphia.

The Rev. Benjamin Hutchins, residing in Philadelphia.

The Rev. Cyrus H. Jacobs, rector of St. Paul's church, West Whiteland, Chester county.

The Rev. John W. James, assistant minister of Christ church, Philadelphia.

The Rev. Joseph Jaquett, residing in Philadelphia.

The Rev. George Kirke, rector of St. John's church, New London Cross Roads, Chester county, and missionary in Chester county, in the service of the Society for the Advancement of Christianity in Pennsylvania.

The Rev. William B. Lacey, D. D. Pittsburg.

The Rev. Samuel Marks, rector of St. Mark's church, New Milford, and missionary at Montrose, Springville, and other places in Susquehanna county, in the service of the Society for the Advancement of Christianity in Pennsylvania.

The Rev. John H. Marsden, professor in Pennsylvania College, Gettysburg, and minister of Christ church, Adams county.

The Rev. James May, rector of St. Stephen's church, Wilkesbarre, Luzerne county.

The Rev. Samuel A. M'Coskry, deacon, minister of Christ church, Reading, Berks county.



The Rev. William Cooper Mead, D. D. rector of Trinity church, Southwark, Philadelphia.

The Rev. George Mintzer, rector of St. Gabriel's church, Morlatten, (Douglasville,) Berks county, and missionary in Berks county, in the service of the Society for the Advancement of Christianity in Pennsylvania.

The Rev. James Montgomery, D. D. rector of St. Stephen's church, Philadelphia.

The Rev. Richard Channing Moore, jr. assistant minister of St. Andrew's church, Philadelphia.

The Rev. Richard U. Morgan, rector of St. John's church, Pequea, and Christ church, Leacock, Lancaster county.

The Rev. Henry J. Morton, assistant minister of St. James's church, Philadelphia.

The Rev. Robert Piggot, rector of All Soul's church, Philadelphia.

The Rev. Francis Reno, residing at Beaver, Beaver county.

The Rev. John Reynolds, rector of St. James's church, Perkiomen, and St. John's church, Norristown, Montgomery county.

The Rev. Greenbury W. Ridgely, Philadelphia.

The Rev. John Rodney, jr. rector of St. Luke's church, Germantown, Philadelphia county.

The Rev. Samuel W. Selden, deacon, missionary at Georgetown and St. Paul's churches, Beaver county.

The Rev. George Sheets, rector of Trinity church, Oxford, and All Saints' church, Lower Dublin, Philadelphia county.

The Rev. George A. Smith, residing in Philadelphia.

The Rev. Nathan Stem, rector of St. Stephen's church, Harrisburg, Dauphin county.

The Rev. John Paylor, residing in Pittsburg, Allegheny county.

The Rev. John V. E. Thorn, Carlisle.

The Rev. James H. Tyng, missionary at Honesdale, Wayne county.

The Rev. Stephen H. Tyng, D.D. rector of St. Paul's church, Philadelphia.

The Rev. George Upford, D. D. rector of Trinity church, Pittsburg.

The Rev. Peter Van Pelt, secretary of the Domestic and Foreign Missionary Society, Philadelphia.

The Rev. Bird Wilson, D. D. professor of systematic divinity in the General Theological Seminary.

The Rev. Simon Wilmer, rector of St. David's (Radnor) church, Newtown, Delaware county, and St. Peter's church, Great Valley, Chester county.

The Rev. James Wiltbank, residing in Philadelphia.

Total, 64.

List of the Congregations in the Diocese of Pennsylvania.

#### ADAMS COUNTY.

Huntingdon township—Christ church.

#### ARMSTRONG COUNTY.

Kittanning—St. Paul's church.

#### ALLEGHENY COUNTY.

City of Pittsburg—Trinity church.

Allegheny—Christ church.

#### BEAVER COUNTY.

Georgetown—Georgetown church.

#### BERKS COUNTY.

Amity township (Morlatten)—St. Gabriel's church.

Reading—Christ church.

Morgantown—St. Thomas's church.

#### BRADFORD COUNTY.

Pike—St. Matthew's church.

#### BUCKS COUNTY.

Bristol—St. James the Greater's church

#### BUTLER COUNTY.

Butler—St. Peter's church.

#### CENTRE COUNTY.

Phillipsburg—Trinity church.

#### CHESTER COUNTY.

New London township—St. John's church.

East Nantmeal township—St. Mary's church.

Great Valley—St. Peter's church.

Pequea township—St. John's church.

West Whiteland township—St. Paul's church.

#### COLUMBIA COUNTY.

Sugarloaf township—St. Gabriel's church.

Bloomsburgh—St. Paul's church.

Madison, (Jerseytown)—Christ church.

#### CRAWFORD COUNTY.

Meadville—Christ church.

Rockville—Trinity church.

#### CUMBERLAND COUNTY.

Carlisle—St. John's church.

#### DAUPHIN COUNTY.

Harrisburg—St. Stephen's church.

#### DELAWARE COUNTY.

Chester—St. Paul's church.

Lower Chechester township, Marcus Hook—St. Martin's church.

Concord township—St. John's church.

Newtown township—Radnor—St. David's church.

#### ERIE COUNTY.

Erie—St. Paul's church.

Waterford—St. Peter's church.

#### FAYETTE COUNTY.

Brownsville—Christ church.

Manalen—Grace church.

Connellsville—Trinity church.

#### HUNTINGDON COUNTY.

Huntingdon—St. John's church.

#### INDIANA COUNTY.

Blairsville—St. Peter's church.

#### LANCASTER COUNTY.

City of Lancaster—St. James's church.

Leacock township—Christ church.

Caernarvon township, Churchtown—Bangor church.

Marietta—Zion church.

#### LUZERNE COUNTY.

Wilkesbarre—St. Stephen's church.

#### LYCOMING COUNTY.

Muncy—St. James's church.

#### MIFFLIN COUNTY.

Lewistown—St. Mark's church.

Thompsontown—St. Stephen's church.

#### MERCER COUNTY.

Mercer—St. John's church.

#### MONTGOMERY COUNTY.

Whitemarsh township—St. Thomas's church.

Perkiomen township—St. James's church.

Norristown—St. John's church.

Pottstown—Christ church.

#### NORTHAMPTON COUNTY.

Easton—Trinity church.

#### NORTHUMBERLAND COUNTY.

Milton—Christ church.

Sunbury—St. Matthew's church.

#### PHILADELPHIA COUNTY.

The city of Philadelphia—Christ church, St. Peter's church, St. James's church, St. Paul's church, St. Stephen's church, St. Andrew's church, All Soul's church.

Northern Liberties—St. John's church.

Southwark—Trinity church.

Francisville—St. Matthew's church.



Lower Dublin township—All Saints' church.  
 Oxford township—Trinity church.  
 Germantown—St. Luke's church.  
 Blockley township, Mantua—St. Mark's church.  
 Penn township—Grace church.  
 Hamiltonville—St. Mary's church.  
 Manayunk—St. David's church.

#### SCHUYLKILL COUNTY.

Pottsville—St. Luke's church.

#### SUSQUEHANNA COUNTY.

Springville—St. Jude's church.  
 New Milford—St. Mark's church.  
 Montrose—St. Paul's church.

#### VENANGO COUNTY.

Franklin—St. John's church.  
 Venango Furnace—St. James's church.

#### WASHINGTON COUNTY.

Pike-run township—St. Peter's church.

#### WESTMORELAND COUNTY.

Greensburg—Christ church.

#### YORK COUNTY.

York—St. John the Baptist's church.

There is also in Philadelphia, St. Thomas (African) church, not in union with the Convention. Total, 78.

List of Candidates for Orders in the Diocese of Pennsylvania, June, 1833.

John Campbell—since July 17, 1825.  
 Darius Williams, jr.—since March 6, 1826.  
 David Dick—since January 15, 1828.  
 Charles Shaler—since September 19, 1828.  
 Augustin P. Prevost—since March, 1830.  
 Samuel T. Lord—since May 21, 1830.  
 Henry S. Nightingale—since September 22, 1830.  
 William Adderly—since February 18, 1831.  
 Thomas Crumpton—since February 18, 1831.  
 Henry B. Page—since February 18, 1831.  
 George C. Drake—since January 5, 1832.  
 John B. Foster—since April 3, 1832.  
 Henry F. M. Whitesides—since April 3, 1832.  
 William Hommann—since July 27, 1832.  
 Asa S. Colton—since February 4, 1833.  
 John Linn M'Kim—since May 14, 1833.  
 Total 16.

#### Abstract of Parochial Reports.

Reports have been received from thirty-nine clergymen representing sixty parishes,--which although more full than heretofore, are yet imperfect; and which it is hoped will be hereafter rendered perfect by a strict adherence to the *Form of Parochial Report set forth by the Convention of 1832.*

#### Aggregate of the Reports.

Baptisms, adults, 157, Infants 813, Total 970.—31 Congregations contain 2,322 families, 6,048 adults 5,212 children.—Communicants added, 508, died and removed 156; present number 3,373.—Public services, on Sundays 2,996, other days 1,393, total, 4,389.—Confirmed 465.—Marriages, 264.—Burials, 450.—Children catechized, 640, times 309.—Bible classes, 23, members, 840.—Sunday schools, 86, teachers 667, pupils 5,500.—Collections, in 32 parishes, Episcopal fund, \$518,90½.—Society for the Advancement of Christianity, \$1233 80½.—Missionary and other purposes \$16,139 85.

Church Edifices consecrated, during the year, 7.—Being built, 7.

New churches admitted into union with the convention, 3.

#### PUBLIC MEETING.

In pursuance of a request, in the several newspapers of the city of Pittsburgh, the citizens of Allegheny county assembled at the court house, on the afternoon

of the 26th instant, for the purpose of interchanging sentiments in relation to the commencement of the western division of the Chesapeake and Ohio Canal; and, also, in reference to the proposed Convention, to be held at Greensborough, in the county of Greene.

The Hon. Samuel Pettigrew, Mayor of the city, presided. The meeting being organized—on motion of Robert Burke, Esq., it was

Resolved, That a committee, consisting of three persons, be appointed by the Chair to prepare resolutions, expressive of the opinions of the meeting, on the subject under deliberation.

Robert Burke, Richard Biddle, and N. B. Craig, Esqs. being constituted said committee retired, and after a few minutes, reported the following resolutions, which were unanimously adopted.

Resolved, That a committee be appointed to prepare a memorial,\* to be presented to both Houses of Congress, at their next session, in favor of an appropriation of money, for the commencement of the western division of the Chesapeake and Ohio Canal.

Resolved, That the same persons be a Committee to procure signatures to the memorial, when prepared, and to forward the same to the Hon. Wm. Wilkins and the Hon. Harmar Denny, with the request that they will present the same to the Houses to which they respectively belong; and that they will use their utmost exertions to procure the passage of a law, in conformity with the application of the memorialists.

Resolved, That ten delegates be appointed to represent this city and county in a Convention, to be held at Greensborough, on the 23d of September next, on the subject of the improvement of the Monongahela river; and that said delegates be instructed to unite, heartily, in any measure that may be devised for the purpose of effecting an object of such obvious utility.

At the instance of the meeting, the Chair assigned the duty contemplated by the first and second of the foregoing resolutions to Richard Biddle, Walter Forward, Esqs., and the Rev. Charles Avery—and by the third resolution, to Robert Burke, H. M. Watts, Wm. Eichbaum, Chas. Avery, John M. Snowden, Sen., W. W. Fetterman, Robert Christy, Neville B. Craig, John D. Davis, and Dr. A. N. M'Dowell.

A motion of W. W. Irwin, Esq., that the delegates appointed to the Convention, at Greensborough, be authorized to fill any vacancies occurring in their own body, was then adopted.

It was also agreed that the editors of the newspapers in this city be requested to publish the proceedings of this meeting.

SAMUEL PETTIGREW, *Chairman.*

H. M. WATTS, *Secretary.*

*Pittsburgh Gazette.*

*Extracts from Letters from one of the Editors of the Chronicle, dated DUNSTOWN, August 26, 1833.*

I arrived at Williamsport last night, at a time of great excitement, and proceeded to this place, the scene of action, this morning. On Friday last, one of the labourers on the canal went into the orchard of Mrs. Hunt, near the Great Island Dam, and was in the act of knocking down apples, when a young man, the son of Mrs. Hunt discharged a gun loaded with shot at the laborer, who is supposed to have been hit by some of the grains, but he fled, and has not since been heard of. The boatmen employed in collecting stone to fill in the structure of the dam, it is said, taunted the Irish labourers on the canal with the mishap to their countryman in his depredations upon Hunt's orchard, which produced irritation, and as a most unavoidable consequence among such an excitable people, an attack was made the same evening by the canal laborers upon the boatmen. There were some black eyes and flesh wounds on this occasion, and most unfortunately one

\*See page 159.



of the canal men received a discharge of large shot, from a gun, in his left arm and breast, which the physicians think puts his life in great peril. His case is considered very dangerous this evening by them, as Dr. B. himself informs me.

The report of these doings spread along the line with rapidity, and the gentlemen concerned in superintending the work did all they could to avert the mischief that was evidently brewing. A report was circulated on Saturday morning, that the man who had been shot the preceding evening was dead. A number of the labourers employed below Dunnstown turned over their wheelsbarrows in the afternoon, and proceeded up towards the Dam. They made an attack upon Major Colt's shantee, knocked him down, and beat him, which would have been to death, but for the interference of an Irishman who received the blows directed against the Major. The shantee they tore down. Other persons, entirely unconnected with the previous disputes were also attacked and injured, and the riot became so serious that word was sent to the Sheriff—and the military of the neighborhood was called. On Sunday, the disturbance still continued, and the boatmen make an attack with axes upon the shantees of the Irish immediately below the Dam, and rased ten or a dozen of them—belonging to labourers who had taken no part in the riot. This transpired just as Capt. S. Hunter Wilson's Nittany company of horse arrived on the opposite shore, and was over before he could reach the scene of action. Some companies of military from the neighborhood assembled the same day, and quiet was restored. A number of Irish laborers were arrested, and after a laborious investigation before 'Squire Dunn to day, 16 Irish laborers were sent to Williamsport under an escort of the military, there to be imprisoned till they get their trials, which will be at the Court next week, and several others were bound over on bail to appear at the same time for the same purpose.

The boatmen concerned in the outrage of destroying the shantees are lurking in the hills, out of the way of the officers of justice, else, I understand, they would be arrested, and if but half of what is stated respecting them to be true, they ought to be punished with as much severity as the Irish. They are said to be mostly Germans from Mahantango.

The Irishman shot and so dangerously wounded is a Cork man, and every one committed to jail at Williamsport is from Cork also.

I have been more particular in this account than is my custom; for this reason, that on my arrival at Williamsport, but 26 miles from the place of disturbance, the story was that 500 Irish had been turning every thing upside down, that about 250 militia and volunteers had reached the ground, that many had been shot in the affrays of Saturday and Sunday, and there was no telling what might be the issue. When I got to Dunnstown, the story was that three were dead of gunshot wounds: one had been found on the opposite shore and another in the hills. These exaggerations, I concluded, would be further exaggerated by the time they would reach Harrisburg, and hence I loitered through the day about Dunnstown and the Dam, making inquiries at the best sources, the result of which is here set down.

The Big Dam, as it is called, across the West Branch of the Susquehanna, about which so much has been said, is no such a mighty affair when looked at. The point in the dam at which the water enters the canal, and the sluice outside the same, are precisely situated like the same things at Duncan's Island dam. The sluice, however, is much longer than that at Duncan's Island, being 1200 feet. A short distance below the lower end of the sluice, there is to be an out-let Lock, for the passage of arks into the river. The dam is to be 11 feet high, constructed thus—a sheeting of pine spans, 50 feet long, and hewed flat on the upper and lower sides, then cross pieces of the same materials,

upon this spans of 70 feet—then cross pieces—and upon these again spans of 54 feet. The structure to be filled in with stone, and faced on the upper side of the dam with large white oak logs hewed flat, and the lower side, or shoot, covered with five inch white oak plank. I have said this *Big Dam* is no mighty affair, because the West Branch of the Susquehanna where it is built, is not larger than the Bald Eagle creek that joins it a mile or two below. The principal streams that form the West Branch and give it an imposing appearance at Northumberland are all below this Dam, namely, Bald Eagle, Pine, Lycoming, Loyalsock and Muncy. The work on the dam is progressing so rapidly under the energetic direction of the Contractors, Abbot Green, and others, that there is not the least doubt of its completion this fall. The timber and stone are as convenient as one could desire.

I walked along the line of canal connecting the Bald Eagle with the Susquehanna at the Big Dam. It is plain excavation the whole distance, being a level bottom, mostly a stiff clay soil, with rock or stone. It is all staked off, and the trees removed; and on some sections laborers are engaged. There will be no difficulty in finishing it by the time the West Branch Canal is completed. The connexion is 3½ miles in extent.

HUNTINGDON FURNACE, Aug. 30, 1833.

In travelling from Mill Hall to Bellefonte on the 27th, I observed that the buckwheat had been killed by the frost, and yesterday, between Bellefonte and this, the leaves of the young oaks exhibited marks of having been killed by the same element. This morning there is a heavy frost here, and the garden vines are all adroop. This is only 110 miles west of Harrisburg. But what is more singular, there was frost here in July, while we were melting at Harrisburg.

## THE COAL TRADE.

Pennsylvania has been appropriately designated the "Key Stone State." This was at a time when her immense mineral and other resources were comparatively unknown. As these become developed, her importance is made more and more apparent. But a few years since, and the shores of the romantic Schuylkill were without commerce. It is true, that occasionally, a small vessel laden with wood, might be seen gliding slowly upon its tranquil waters. How different is the scene at present. The commerce of this river within the last two years has increased in an almost unexampled degree. Wharves have been built, capacious store-houses erected, and a thriving and prosperous business is here carried on. From the following account of the clearances of vessels laden with coal, for New York, Boston, Newport, Providence, Portland, Albany, Wilmington, Washington, Richmond, &c., some idea may be formed of the extent of this rapidly increasing trade. Our return is far from complete, embracing only the operations of four companies, and eight individuals or firms. Still to Philadelphians it must present a truly gratifying spectacle.

From the latter part of March to the 31st of August, there have been despatched from the Schuylkill, laden with full cargoes of coal, by the

	<i>Brigs. Schrs. Sloops, Tbt.</i>			
North American Coal Co.	4	68	13	85
Little Schuylkill, R. R. and Navigation Company,	3	54	13	70
Delaware Coal Company,	14	80	5	99
Phoenix Coal Company,	4	17	2	23
Samuel B. Reeve & Co.	0	76	11	87
J. W. Downing,	7	63	10	80
J. S. Silver,	5	63	18	86
McCadles, Chambers, & Co.	8	32	0	40
By four houses,	2	28	13	43
	47	481	85	613



Between the 4th of April and the 31st of August, the Lehigh Coal and Navigation Company have loaded with full cargoes of coal, and despatched from the river Delaware, 1 ship, 32 brigs, 155 schooners, and 55 sloops; making a total of 243 vessels.

Thus it appears, that during a period of about five months, EIGHT HUNDRED AND FIFTY-SIX vessels laden with coal have cleared from this city. We believe that when our report is completed, the whole number will fall but little short of *one thousand*.—*Comm. Herald*.

#### COMMODORE BARRON'S PUMP.

The following description of Commodore Barron's Pump is from the American Sentinel. It conveys an adequate idea of it. If, on the trial to which it is to be subjected, it shall prove, (as we are sure it will,) to answer the inventor's expectations, it will be a gift to the Navy and to Commerce, of incalculable value.

"The determination to which we learn the County Commissioners have come to give a public trial to the pump constructed by Commodore Barron, is in the highest degree creditable to their public spirit and intelligence, as we are well assured that nothing but such a trial is wanting, to establish in the fullest and most satisfactory manner, its great superiority over the pumps in common use. The beauty and simplicity of the principle upon which the efficiency of this pump turns, cannot fail to strike forcibly even the least intelligent observer; but to the man of pure and practical science, accustomed to look for the greatest results in the simplest combinations, it must be doubly interesting, as affording no mean instance of successful research under the same enlightened spirit which directs his own views. This pump is in the form of a parallelopiped, and the chamber, (which occupies nearly or quite half the whole length,) is formed by three of its sides, and a correspondent moveable board, turning at its extremities upon two parallel joints like a parallel ruler. In this board, holes are pierced at different intervals, to which valves are attached turning outwards or to the fourth side of the pump.

To the upper extremity of the movable board, which is called a valve board, a short spear is attached which is connected with the mechanical power which sets the pump in motion;—in the lower part of the chamber, a piston is placed as in the common pump, with the valve turning inwards.

When the pump is appropriately placed for working, the space inclosed by the three sides of the pump and the valve board—or in other words, the chamber, (which in a 20 feet pump, is 10 inches in length,) is filled by the water, which, according to a well known law of hydraulics, ascends through the lower box; a single stroke of the lever propels the valve board against its corresponding side, and the water inclosed having no escape otherwise, is forced through the lateral openings in the valve board against the fourth side of the pump, where meeting with a new and increased resistance, the whole volume is thrown upwards to seek its way outwards, through the conductors attached to the head of the pump. The volume thus discharged is in the ratio of 10 to 1, compared with that discharged by a common pump of equal bore. For instance, the capacity of a common pump to discharge water is regulated by the extreme rise of the upper piston, which in a common pump of ten inch bore, under any effort of the lever, cannot be made to raise more than twelve inches, and consequently at the very most only twelve inches of water can be discharged at a single stroke; in a pump on Commodore Barron's principle, of an equal bore, 10 feet can be discharged by a single stroke—the lever in both cases describing the same arc.

The great superiority of this pump over the common pump arises at once from the comparatively greater field afforded by its interior arrangements for the development of the law which governs the ascent of water, and

the greater facilities they furnish for making this great advantage in the highest degree available for its rapid discharge.

It is difficult to imagine what might be the effect of this principle displayed on a great scale under the action of steam power; for its energies will always be commensurate with the power applied to excite them, and at what point, with such a power at command as steam affords, shall we fix these limits? It is hoped the trial about to take place will call the earnest attention of an intelligent public to the principle of this pump—that whatever place it is destined to hold eventually, in their estimate—that place may be decided by its own single merits—ascertained by impartial, enlightened and patient examination.

Pittsburg, August 30, 1833.

Memorials, of which the following is a copy, are now in circulation, through the city and county, for the reception of signatures.—*Pittsburg Gaz.*

#### CHESAPEAKE AND OHIO CANAL.

To the Honorable, the Senate and House of Representatives of the Congress of the United States:—

The memorial of the undersigned, citizens of Pittsburg and its vicinity, respectfully represents—

That your memorialists have watched, with the deepest interest, the commencement and progress of the Chesapeake and Ohio canal, as a great national enterprise, originating with the Father of his country, and displaying more clearly, as it advances, the enlightened sagacity and far sighted patriotism of its illustrious projector.

The claims of this noble work to the countenance and patronage of the general government have been so often urged, and your honorable bodies already possess, in so many authentic forms, the fullest and most detailed evidence of its practicability and advantages, that the undersigned will not venture to repeat the arguments, or to spread anew before you the facts, which carried conviction to the minds of your predecessors, and the force of which time has only served to strengthen and confirm. But they would respectfully point to the present auspicious era, as offering a new impulse, and supplying an additional motive, to the further and vigorous interposition of Congress.

The national debt is discharged. That cherished object—of deep and absorbing interest to the whole country, not only in reference to a just feeling of security and independence, but to the character and practical working of our Republican Institutions—has just been accomplished. We are rid of the accumulated charges of two costly wars, witnessed by the same generation. We transmit no burden to posterity, to clog its rich inheritance. And, surely, at this moment of complete disengagement from the pecuniary solicitude—when the great object of inquiry is as to the least mischievous plan for employing a redundant revenue—we do not err in asking you to give back to the nation, in the shape of a diffusive blessing, a portion of what has been confided to your disposal.

The objection, urged with success, to solicitations, in reference to improvements of a local, limited range, and usefulness, will not be pretended to be applicable here. There is nothing in this enterprise of a narrow, sectional character; in it mingle freely the sympathies and interests, as do the waters of the east and west. Nor will it fail to occur to your honorable bodies, that the question is not an open one, of original investment, but that a large amount of money, under an appropriation by Congress, has already passed into the work, and must share its fate. Shall the past expenditure be lost to the country? There is nothing, as the undersigned conceive, in the history of the work which can justify such infirmity of purpose, and rash abandonment of a great public stake.



Your memorialists would respectfully venture to suggest that the character of the principal fund, which now flows into the Treasury with embarrassing profusion, may be considered as pointing to the proposed method of application. It is obvious that the impost at the Custom House ultimately presses with most severity on the consumer, who is furthest removed from the seaboard. The various agents of traffic, intermediate to consumption, take care to remunerate themselves liberally, in the price of the article, for every charge to which it is subjected in its passage through their hands. There would seem, then, to be no more equitable arrangement than that the tax, which grows at each stage of transit, and carries its accumulated claim to reimbursement into the remotest cabin of the west, should be employed in alleviating the burden, by bringing the two great sections of our country together, into close commercial contact.

The commonwealth, of which we are citizens, has taken an early, decided, and magnanimous part on this subject. Her own resources and credit deeply pledged in the construction of works to which the one in question might, if viewed with narrow jealousy, be deemed a rival. She has not yet hesitated to raise her voice, and to exercise her influence in furthering a great national object. Her Statute Books present the following resolution:

"Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Senators of this State, in the United States' Senate, and the Representatives of this State in Congress, are requested to endeavour to procure the passage of a law authorizing the subscription of a Million of Dollars, on the part of the General Government, to the stock of the Chesapeake and Ohio Canal Company, to be expended on the Western section."

FREDERICK SMITH,  
Speaker of the H. of Representatives.

WM. G. HAWKINS,  
Speaker of the Senate.

Approved, 1st of April, 1831,

GEORGE WOLF."

The undersigned respectfully ask that this appeal may now be listened to, when our financial condition no longer requires that the urgent claims of a just, wise, and comprehensive national spirit, should be slighted or postponed. And they will, &c.

From the National Gazette.

ANDREW WALLACE.

We had yesterday some conversation with Serjeant Andrew Wallace, aged one hundred and four years. He is, indeed, a phenomenon, highly curious and interesting in every respect. His mental faculties are in wonderful preservation; and with the exception of a strong and constant tremor of the hands and knees, and a stoop, his bodily frame seems to have suffered but little decay. His vision is good, and the expression of his eye energetic or lively according to his mood; his diet has always been simple and moderate, and as yet he has no complaint to make of his digestion. He walked lately fifty miles (from his residence to Philadelphia) in a few days. In extreme old age, the memory has become, in most cases, weak, faint, or capricious and irregular. But, with Mr. Wallace, this faculty remains exact and retentive as to all periods. He answers questions with promptitude and decision; makes and hears pleasant remarks with a significant glance, and seems to take a lively interest in the leading questions of the day. The whole tone of the veteran is that of a hale-minded man of sixty or seventy. He enlisted in the military service of his country at the beginning of the Revolution, and continued in it with little interruption for nearly thirty years. It was he who, at the battle of Brandywine,

when Lafayette was wounded, after having contributed to rescue the nation's patriot, bore him on his back, about two miles, to the house of a friend.

The purpose of his pedestrian journey to this city was to assist in selling a portrait of himself, which has been lithographed by Messrs. Frederick and Wild. It is a close likeness, and costs but a quarter of a dollar. The veteran lodges at Mr. Adam Magg's, corner of Eighth and Callowhill streets.—[See Reg. Vol. XI. p. 223.]

MUNCY, LYCOMING Co., August 27.

**RIOT.**—We learn that on Saturday morning last, a riot commenced near Dunnsburg, in this county, between the Irishmen and (American) boatmen employed at the Great Island Dam, which lasted with little or no intermission until Sunday evening. One man (an Irishman) was shot, and died shortly after, and several were dangerously wounded. On Sunday it was found necessary to call out the military, for the purpose of quelling the rioters. A company of cavalry from Centre, another from this county, and a number of companies of infantry and militia were marched to the scene of action; of their success in putting down the turbulents we have no account. We have heard it stated that the quarrel arose about the disposition of a boat load of stone; the Irishmen wanting it placed on the spars of the dam, and the boatmen refusing to put it in any other place than the cribbing. There are many different versions of the affair, which we refrain from giving, as a great deal of reliance cannot be placed on rumor in such cases. In our next we shall probably be able to give a more full and correct account of this disturbance.—*Telegraph*.

**IMPROVEMENTS.**—Thirty-eight houses, of four stories in height, have been erected, or are in progress of being built during the present season on Market street.

On Chesnut street, extensive improvements are also going on; between Eighth and Ninth streets, five dwelling houses are being converted into stores; and below Eighth, three of the fine dwelling houses on the south side have undergone a similar transformation—they rent for from five to six hundred dollars each as dwelling houses, and as stores they now bring from ten to twelve hundred dollars each. Below Seventh, Mrs. Yohe's large Hotel is nearly completed, and the front of the adjoining building has recently been altered to correspond with Mr. Ash's book store, and is occupied by Messrs. Browning and Everett, Tailors. Below Sixth, opposite the State House, one of the large dwellings is now altering for a store.—*Comm. Herald*.

COLUMBIA, Aug. 31.

**THE CANAL.**—The water has been drawn off the canal between this and Middletown, in consequence of there being a scarcity above. We understand that it will be let in again in a few days.

Among the arrivals on the canal last week, were 20 hds. of Tobacco, from Pittsburg, for Mr. Gable, of Lancaster. It was raised in Kentucky. We believe this is the first arrival at this place, of merchandize from our western emporium, by way of the canal.—*Spy*.

The evenings and mornings are unusually cool for this season of the year. Yesterday morning the frost lay quite thick in some places.—*Spy*.

**REMARKABLE HEAD OF OATS.**—A head of oats, we have been informed, was taken from the field of ELIJAH M'GREW, of North Huntingdon township, Westmoreland county, on the 30th July, which was measured, in the presence of several witnesses, and found to be 27 inches in length, and every part of it well filled.—*Republican*.

**RAIN.**—The quantity of rain that fell during the month of August, as ascertained by the gauge at the Pennsylvania Hospital, was 3 39-100 inches.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. II. PHILADELPHIA, SEPTEMBER 14, 1833. NO. 29.

## REPORT ON THE REVISED CODE.

Remarks upon the bill relating to Weights and Measures, and to Admeasurement.

The regulation of weights and measures is a matter of much importance, not less so than the regulation of coin. It is to be regretted that these subjects should have been separated in the legislation of Congress. We find, however, that very soon after the adoption of the Constitution of the United States, several laws were enacted relative to the coining of money and its value, while upon the subject of weights and measures, no definitive action has yet been had.

In the absence of national legislation many of the states have exercised the power of legislating on this subject. By a recent act of Assembly of this state, (11th April, 1825, § 11.) commissioners were appointed to examine into the state and condition of the standards in use in this commonwealth, but they did not undertake the trust. As we supposed the section of the act mentioned to be expressive of the views of the legislature in relation to the subject, we have made it our guide in the preparation of the accompanying bill. We proceed to make a few observations explanatory to the sections.

Section 1. The act of 1700 relates to county standards. The object of this section is to provide state standards from which county standards may be copied, and by which they may be regulated. The provision is new, but necessary to ensure the uniformity of the county standards.

Section 2. This section is subsidiary to the first; it is designed to preserve the original value of the state standards. The frequency of trial and the modes of trial, are left to the discretion of the Governor. Scientific considerations suggest the propriety of abstaining from particular injunctions in the last of these particulars. The Governor will doubtless preserve data for the application of the most approved tests.

Section 3. This section, which is a proviso to the second, is framed with a view to the possible future action of Congress upon the subject. The effect of it will be to secure the adjustment of the standards of this state to the national system as that shall become fixed.

Section 4, provides for the standard yard. We have not thought it necessary to refer to any other standard for determining its length. In the nature of things the root or primary unit of a system of metrology must be assumed. The word "yard" is understood to mean a certain length which custom has pretty definitely ascertained.

The Governor will doubtless have recourse to all means necessary to settle its just value with the utmost exactness attainable. Having done so, the principal object of the section will be gained by embodying its meaning or value in a fixed and palpable form. The yard thus ascertained is made the unit of all measures of length.

Sections 5 and 6, provide that all measures of length less than the yard, shall be engraved upon the yard, and (section 6 contains in general terms) that the multiples and fractions of all measures shall be taken in parts of the standard unit.

Section 7, provides for the standard wine gallon and

beer gallon. It is only necessary to say that the dimensions stated, correspond with those of the measures used at the custom house in Philadelphia. Adams' Rep. Table, (a. 2.) Both kinds of measures are recognized in the acts of Assembly—See acts 1705, 22d May, 1722, §4, 12th May, 1789, §3, §4.

Section 8. The standard measure of the bushel prescribed by this section, is that commonly denominated the Winchester bushel.

Section 9, is subsidiary to the three preceding sections. The phraseology is general, and is applicable to every variety of smaller measures in use.

Section 10. This section provides for a different form of the bushel to be used for measuring lime. It is derived from the act of 23d March, 1819, §1—enacted for the counties of Bucks, Montgomery, Delaware, Chester, Lancaster, and York, and by this section proposed to be made general. But the remainder of this act (of 1819) is not introduced, and it will of course remain in force in the counties for which it was enacted. We have some reason to believe that this form of the bushel is used in other counties besides those above mentioned. The act of 2d April, 1822, §3, which is a general law, provides a fee for regulating the lime bushel.

Sections 11 and 12, relate to weights. It is usual to deduce the unity of weight, from the gravity of water taken in parts of the standard inch: But Congress having established a troy pound, (act 19th May, 1828) we have adopted it as the unit of weight. The pound thus established, is the troy pound of the English metrology, to which the avoirdupois pound bears the proportion expressed in this (eleventh) section, or very nearly. The twelfth section provides, merely, that small weights shall be proportionate.

Section 13. This section, and the six following, relate to county standards, and the duty of the inspection and regulation of weights. It may be proper to add a remark upon the method proposed for the compensation of the inspectors and regulators. Fees do not seem to us a proper method of compensation. The duties of many officers, those connected with the courts for example, are susceptible of enumeration, and are sufficiently uniform to admit of a scale, and to these a fee bill is conveniently applicable. But of a regulator of weights, &c. the principal thing required is mechanical labor, varying perhaps in every case: this should be paid for according to its value. Of such general importance is the regulation of weights and measures, that it would not be very unequal were it to be made entirely a charge upon the public. We propose, however, to make it a charge upon the public, only, in the first instance, with power to require, through the agency of their officers, a remuneration from individuals in proportion to the labor bestowed in each case.

Section 20. This section relates to gauging instruments. In England, by a recent act of Parliament, the capacity of the gallon is altered from the Winchester measure: An alteration of the gallon has also recently been made in the state of New York. We refer to these instances of legislation, merely to suggest a case for the application of the provisions of this section.

Section 21. This section is designed to prevent the sale of inaccurate weights and measures of all descriptions. We believe the effect of it will be, to make the



regulation and adjustment of weights, &c. to the standards, a part of the manufacture. Such it ought to be.

Sections 22 and 23, provide penalties for the use of false weights and measures. When there is intent to defraud, the act is treated as criminal, this is the common law, (3 Burr. 1697, Com Dig. Indictment D.) But it is necessary to guard against the inadvertent use of false weights and measures. This also, is herein provided for. But the section does not require any person to have his weights, &c. regulated. It enacts, only, that if not regulated annually, the owner shall use them at his own risk. We think this method preferable to that of requiring an annual inspection of weights and measures.

The remaining sections of the bill relate properly to admeasurement, and certain terms of admeasurement.

Section 24, defines the acre: we have introduced it into this bill, merely because we found an English statute upon the subject, reported to be in force by the judges of the Supreme Court, (31 Ed. 1 St. 6.) Were there no such statute, we should not think the section at all necessary.

Section 25, is taken from a local act; 10th March, 1817, §2. It provides for the dimensions of a cord, and for the manner of cording.

Section 26, is taken from the act of 16th January, 1823. This act does not specify the kind of gallon: we suppose the wine gallon was intended, and have therefore added the words, in wine measure.

Sections 27 and 28. These sections are taken from the act of 10th March, 1818, §1, §2, without any alteration in substance.

Section 29. This section is taken from a local act passed 2d April, 1822, §1. We have introduced it, because there seems to be a propriety in having but one rule for the sale of the same article throughout the commonwealth.

Sections 30 and 31. These sections require no particular remark in this place. In respect to the proviso contained in the thirty-first section, we take leave to refer to some remarks made upon the 118th section of the bill relating to counties, &c.

A Bill relating to Weights and measures, and to Admeasurement.

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Section 28. Foreign salt may be sold by weight—proviso.

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It is enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, as follows:

Section 1. It shall be the duty of the Governor to procure, for the use of the commonwealth, metallic standards for the weights and measures, according to the denominations of weights and measures which have been hitherto used and approved in this commonwealth; which standards shall be inclosed in suitable cases, and be deposited and carefully preserved in the office of the State Treasurer.

Section 2. It shall also be the duty of the Governor, from time to time as he shall judge expedient, to cause the said standards to be examined and tried; and, if necessary, to be corrected or renewed, so that they shall at all times be of their original measure or weight, and proportions.

Section 3. Provided nevertheless, that if the Congress of the United States shall hereafter establish a standard for any of the denominations of weights or measures, it shall be the duty of the Governor to cause the standard of this commonwealth for the same denomination to be made equal in all respects, and to be at all times conformable thereto.

Section 4. The standard yards, which shall be procured by the Governor, shall be taken as the unit of all measures of length, and one third part of the said standard yard shall be a foot, and one-twelfth part of such foot shall be an inch.

Section 5. The yard aforesaid shall be graduated or divided by marks engraved thereon, so that it shall exhibit distinctly the following measures, to wit:

The length or rectilinear extension of the foot and of the inch aforesaid, and all the customary divisions or aliquot parts of a foot.

Also, the length or rectilinear extension of one-half of a yard, one quarter of a yard, one-eighth of a yard, one-sixteenth of a yard, and of all other customary divisions or aliquot parts of a yard.

Section 6. All measures of extension, whether binary, ternary, decimal, duodecimal, or other aliquot parts, divisions or fractions of a yard, foot, or inch, or any multiple or combination thereof, expressed or known by any customary measure, or by any of the terms of admeasurement of extension, quantity, capacity, or other dimension, shall respectively be equal to the same parts, proportion or multiple of the standard yard, foot or inch aforesaid, and not otherwise.

Section 7. The standard measure of the wine gallon shall contain two hundred and thirty-one cubical inches of the standard inch aforesaid, and no more. And the



standard measure of the beer gallon shall contain two hundred and eighty-two cubical inches as aforesaid, and no more.

Section 8. The standard measure of the bushel shall contain two thousand one hundred and fifty cubical inches, and forty-two hundredths of a cubical inch of the standard inch aforesaid, and no more.

Section 9. The measures of any aliquot or fractional part of the wine gallon, beer gallon, and bushel aforesaid, shall be proportionate thereto respectively, in the ratio of such aliquot or fractional part.

Section 10. The bushel to be used for measuring lime, shall be made in the form and of the dimensions, to wit:

Thirteen inches and a half diameter at the bottom in the clear.

Fifteen inches diameter at the top in the clear.

Thirteen inches and forty-seven hundredths of an inch perpendicular depth in the clear.

Section 11. The denomination of weights shall be computed upon the troy pound of the mint of the United States, in the manner following, to wit:

The troy pound of this commonwealth shall be equal to the troy pound of the mint aforesaid.

The pound avoirdupois of this commonwealth shall be greater than the troy pound aforesaid in the proportion of seven thousand to five thousand seven hundred and sixty.

Section 12. The weights of any aliquot or fractional part of the troy pound and avoirdupois pound aforesaid, shall be proportionate thereto respectively, in the ratio of such aliquot or fractional part.

Section 13. It shall also be the duty of the Governor to procure to be made, for each of the counties of this commonwealth, at the charge of the counties respectively, a set of standards for weights and measures, according to the several denominations hitherto adopted into use in this commonwealth, which standards shall be accurately adjusted to the standards aforesaid; and thereupon he shall cause the same to be properly sealed or stamped, and to be delivered to the commissioners of the counties respectively, to be used as standards for the adjusting of weights and measures, and for no other purpose.

Section 14. It shall be the duty of the commissioners of the respective counties, at least once in every ten years, and oftener if they have reason to believe it necessary, to cause the standards of the respective county to be examined and tried, and if necessary, to be corrected or renewed according to the standards aforesaid of the commonwealth, so that they shall be equal and in all respects conform and correspond thereto.

Section 15. The duty of the inspection and regulation of weights and measures shall, in the several counties of this commonwealth, (except in the city and county of Philadelphia,) be performed by such competent person or persons as the commissioners of the respective counties shall, with the approbation of the court of Quarter Sessions of such county, designate.

Section 16. Every person charged with the inspection and regulation of weights and measures as aforesaid, shall, before he enters upon the duties of his office, make oath or affirmation to perform the same with fidelity.

Section 17. The persons who may be charged with the inspection and regulation of weights or measures as aforesaid, shall not be entitled to demand or receive any fee whatsoever for their services in that behalf; but they shall be paid for the same out of the county stock, according to contract with the commissioners of the respective county. They shall demand and receive for the use of the county, for every weight and measure regulated by them, such sum as the mechanical labor employed in the regulation and sealing thereof shall be reasonably worth, and no more.

Section 18. All weights and measures, and all beams, scales, and steel-yards, which shall be adjusted to the

standards of the respective counties as aforesaid, by the officer charged with the duty of the inspection and regulation thereof, shall be authenticated or stamped by him with some sufficient brand or seal.

Section 19. If any person charged with the duty of the inspection and regulation of weights and measures, shall unnecessarily, carelessly, or through want of skill, mar or injure any scale, beam, steel-yard, weight or measure while in his hands or possession for the purposes of his office,—the same being just and true, or susceptible of easy adjustment to the proper standard—he shall furnish forthwith to the owner thereof, a correct scale, beam, steel-yard, weight or measure of the same kind and of equal value, or in default thereof, shall pay to such owner twice its value.

Section 20. All gauging instruments used within this commonwealth shall be constructed so as to show the contents or ullage of any vessel or cask, according to the measures aforesaid. And if any person shall use any such instruments of any other construction or proportion, such person shall, before marking the contents of any cask or the ullage thereof, as shown by such instrument, reduce the same to standard measures aforesaid, under penalty of ten dollars for every neglect, for the use of any person who may be aggrieved thereby.

Section 21. All weights and measures sold within this commonwealth, shall be deemed to have been warranted by the seller to correspond (according to the respective denomination) with the standards aforesaid.

Section 22. Every person who shall sell or buy any article or merchandize or traffic, or any thing whatsoever, by any false yard, beam, scale, weight or measure, to the injury of another, the person selling or buying as aforesaid, being the owner of such yard, beam, scale, weight or measure, and not having had the same duly regulated and approved by a lawful standard within one year, shall forfeit thrice the value of the article so sold or bought, one half to the use of the county, and the other half to the use of the person aggrieved, to be recovered in one action founded on this act. Provided, that in no case shall the penalty aforesaid, be less than three dollars.

Section 23. And if any person shall sell or buy any article of merchandize or traffic, or any thing whatsoever, by any false yard, beam, scale, weight or measure, knowing the same to be false, and intending thereby to deceive or defraud, such person shall be liable to indictment and punishment as in cases of misdemeanor.

Section 24. An acre of land shall contain four thousand eight hundred and forty horizontal square yards of the standard yard aforesaid, or a surface which shall be equivalent thereto. Provided, that nothing in this section shall be deemed or taken to affect the allowance of any surplus quantity to which any person may be otherwise entitled, by virtue of any record, patent, deed, or other instrument or contract.

Section 25. The standard dimensions of a cord of bark, or of wood for fuel, shall be eight feet in length, including one-half of the kerf, four feet in breadth, and four feet in height, containing one hundred and twenty-eight feet of the standard foot aforesaid, in solid measure, well stowed and packed. And if any part of the wood be crooked, it shall be placed at the top of the cord or load, and a reasonable and fair allowance shall be made by all corders and venders of wood for the deficiency which may be occasioned by such crooked or uneven wood.

Section 26. A hogshead of cider shall be deemed and taken to be one hundred and ten gallons thereof in wine measure, in all cases where there shall be no special agreement to the contrary.

Section 27. The several kinds of grain hereinafter mentioned, may be estimated and sold by weight avoirdupois, as follows, to wit: Sixty pounds of wheat, fifty-eight pounds of rye, fifty-eight pounds of corn, forty-eight pounds of buckwheat, forty-seven pounds of



barley, thirty-two pounds of oats, shall be deemed and taken to be equal each to a bushel as aforesaid, of the said kinds of grain respectively. Provided, nevertheless, that the said kinds of grain may be bought or sold by measure, as heretofore.

Section 28. The several kinds of foreign salt herein after mentioned, may be estimated and sold by weight avoirdupois, as follows, to wit: Eighty-five pounds of coarse salt, seventy pounds of ground salt, sixty-two pounds of fine salt, shall be deemed and taken to be equal to each bushel as aforesaid, of the said kinds of salt respectively. Provided, that the said kinds of salt may be bought and sold by measure, as heretofore.

Section 29. Anthracite coal may be sold by weight avoirdupois, or by bushel measure, as follows, to wit: Every bushel of coal shall contain eighty pounds thereof, every hundred weight shall be deemed and taken to be one hundred and twelve pounds thereof, twenty-eight bushels, or two thousand two hundred and forty pounds thereof, shall be deemed and taken for one ton.

Section 30. All pecuniary penalties and forfeitures imposed by this act, shall be recoverable in like manner as debts of equal amount may be recovered.

Section 31. Provided that nothing in this act shall be so construed as to interfere with any special provision, heretofore made by law, respecting the powers, duties, or emoluments of the regulator of weights and measures, or of the sealer of dry measures for the city and county of Philadelphia.

From the Pittsburgh Gazette.

#### MIO-QUA-COO-NA-CAW.

The communication of "An Antiquarian," which we published in our paper of the 5th of July last, in relation to this chief, of the Shawano nation, has drawn from Col. Marschalk, editor of the Mississippi Gazette, a long and interesting article, from which we make some extracts. Col. Marschalk was formerly an officer in the United States' Army; and, as such, was on the our northwestern frontier when Red Pole figured there, and was adopted by that chief, as his son under the name of *Unda Quallameta*, or the Industrious Beaver. The following are extracts:—

"Simply to state, that the Chieftain of the forest, whose remains lie so honorably entombed in the sacred repository appropriated to the silent dead of more civilized man, was among the number of celebrated warriors who long contended in the field, and led his nation forth to battle against every opposing foe, and after being conquered in the decisive action of the 20th of October, 1794, under the walls of the British fort, Miami, by the gallant hero, Anthony Wayne—that he was among the principal representatives of the Shawano nation, at the treaty of Greenville, where he was alike distinguished by his oratory; that, unaccustomed to the rigors of a northern climate, he fell a victim to disease, on his return from a visit to 'his Great Father,' President Washington; where he had accompanied Little Turtle, Blue Jacket, and several other of the most distinguished chiefs, from the northwestern tribes; and had merited, by the dignity of his deportment and the urbanity of his manners, the respectful attention given to him while living, and the honorable memento which the *now* dilapidated monument exhibits to have been paid towards his remains. This much would, no doubt, amply satisfy the queries of the inquiring Antiquarian, as exhibiting a brief and correct notice of the 'son of the forest' thus distinguished.

"Our acquaintance with him commenced at the treaty of Greenville, made by Gen. Anthony Wayne, with the confederated tribes of northwestern Indians, in August, 1795, where Red Pole was considered a chief of much influence. That treaty, being of great importance, was conducted with an uncommon degree of form and economy. A handsome council house was erected, expressly for the purpose, and the elegant

marquee of the commander in chief, pitched, (for the first time,) on that occasion, for the accommodation of the chiefs. The firing of a six pounder, and the display of a white flag, on the council house, immediately after guard parade and relief, was the daily signal for assembling of the plenipotentiaries, who generally remained in session about four hours. The officers of the army, in full uniform, together with numerous warriors accompanying the chiefs, were the usual spectators of this very interesting scene. One or more of the chiefs, as subjects were proposed, daily delivered speeches, not long, but many of them distinguished by their force of reasoning, and dignified manner of delivery. Among these, the Red Pole held a conspicuous stand.

"The encampment of Indians was directly in front of the cantonment, with which a daily intercourse took place by the officers of the army, who, in turn, received and entertained the chiefs in their quarters during the day. Red Pole, accompanied by Little Turtle, (the Miami chief, well known as principal leader against the unfortunate army of general St. Clair,) with whom he generally associated, often visited our quarters, accompanied captain Wells, the interpreter, (who was inhumanly butchered at Chicago, at the commencement of the last war with England.) Those visits were always interesting. The Turtle and Red Pole were uncommonly shrewd in their observations, and, frequently, in playful badinage, would elicit flashes of wit that would not disgrace the most polished circles. At the conclusion of the treaty, they retired to the homes of their respective tribes, and arrangements were immediately commenced preparatory to occupying the British posts, on our northwestern frontier, the delivery of which had been procrastinated from time to time, by various frivolous pretexts, and no doubt was the true origin of the prolonged Indian wars on our frontier.

"Gen. Wayne visited the frontier forts in the fall of 1796. At Fort Maumee, then garrisoned by the company of the 2d sublegion, commanded by the writer of this article, he pitched his marquee within a few yards of the glacis, not pistol shot distance from the southwest bastion of the fort, on the very spot from which he had viewed the works, then manned by the British garrison, commanded by major Campbell, on the 20th of October, 1794. On the bastion, at that time, a long 24 and three 18 pounders, brass guns, were mounted, together with four wall pieces of 43 pound calibre, in the case mates. Enraged at the hardy daring of the old hero, the British artillery officer was with difficulty restrained from applying the match by the commandant. The suite of general Wayne, at the moment, was his aids de camp, major Debuts, of the 4th sublegion, captain Thomas Lewis, of the 3d, and lieutenant W. H. Harrison, (the present general,) of the first; also, colonel Henry Burbeck, of artillery, and several others, whose names at present are not recollected. The fact of the intention to fire, we received from two gentlemen, who were in the fort at the time, and to the pitching of the marquee, and recognizing the exact spot by the brave old general, we were eye witnesses.

A number of chiefs and warriors visited the general during the three days he remained at Fort Maumee. The Little Turtle and Red Pole arrived the day following his departure from Detroit. Blue Jacket resided on an island, at the foot of the rapids of Miami. On visiting the fort, the Red Pole, addressing the writer, remarked, "my son, we are going to Detroit to see our father, general Wynd, and then to the rising of the sun to take our great father, general Washington, by the hand. The general has promised us a young chief to show us the path. The Turtle and Blue Jacket both love you, and we will ask for you if you are willing to go." The proposal was of course agreeable, as it offered a prospect of visiting those dear friends, from whose society we had been excluded by six years' hard duty in camp, and the more particularly, as the contem-



plated reduction of the army to the peace establishment, then conducted upon fair and honorable principles, would, as a junior captain, leave us among the number of supernumeraries; and the opportunity of returning home as an escort to our Indian friends, have been a pleasant tour of duty. We were, however, disappointed in our expectations. The Red Pole added, "We are going to the island to get drunk two days; we will then wash our heads and go to Detroit to ask for you. During the debauch, we were severely attacked by ague and fever, and very reluctantly abandoned the proposed tour, recommending to "our red father" and his associates, our friend captain Richard Sparks, (the late colonel) who accompanied them to the seat of government; returning from whence, as we have stated, Red Pole died at Pittsburg, where he was buried with military honors, and the monument erected over his remains.

Connected with the recollection of our Indian "father" is an amusing incident of more recent date, and which may probably dwell in the recollection of some of the ancient citizens of Philadelphia. A number of chiefs visited Mr. Jefferson, during his presidency, among whom was the *Young Wolf*, (our adopted brother) nephew and successor of Red Pole. Among the amusements provided for them was a visit to the theatre. We were then on a tour of guard duty, with a detachment of artillery from Fort Mifflin. Learning that Indians from the lakes were in the city, and feeling a curiosity to ascertain whether any of our old acquaintances were of the number, we visited the theatre for that purpose. They were seated on a back seat of the large front box of the old Chesnut street theatre. Approaching the box we were recognized by "our brother," with a warm hug, imparting a plentiful quantity of vermilion to both our cheeks, and a hearty yell, in which his associates, about 10 or 12, joined in full chorus. The curtain was up at the time, but the astonished actors stopped and gazed in silence at the scene. Several ladies were much alarmed, and Madam Rumor stated that some did actually faint. The gentlemen beaux were in full run to ascertain the cause of the alarm, and found us sitting cheek by jowl among the Indians. We spent the evening with our young brother, and the day following entertained him with subaltern fare, at our post, since which we have not heard any thing farther from our tribe.

*Musqua-ki-na-ca*, or *Red Pole*.—In spinning this yarn, our readers will observe that the *fit* was uncommonly strong. However the remedy for its tediousness is with them—throw it down.

*Little Turtle*.—We have some interesting anecdotes of this celebrated chief in M. S.—they may, or may not, according to circumstances, be forthcoming.

#### NORTHAMPTON COUNTY.

Having withdrawn from the busy cares of our office, for a few days last week, to indulge myself with an excursion to Easton, to visit the seat of Justice for this county for the first time since we became a resident in it, as well as to become better acquainted with that part of Old Northampton, which lies below the Blue mountain, we were highly gratified with the appearance of the country, and although our enjoyment of the excursion which we had long since promised myself was somewhat diminished by a slight indisposition, we have considered the subject worthy of a few brief passing remarks.

To a person who has no knowledge of the geographical situation of Northampton county but what is derived from an inspection of the map, it presents scarcely any thing to the imagination but a series of those huge mountains which strongly mark the northeastern part of Pennsylvania, stretching to the southwest through the state. This idea is still more forcibly impressed upon the mind of the traveller who comes into this part of the county,

and becomes acquainted with its situation by actual observation, especially if the approach be from the north or west; and notwithstanding he may be informed of the fact that immediately below the Blue ridge lies a fruitful agricultural region extending southward to Philadelphia and Lancaster, which may be justly called the garden of the state, if the sight of his eyes be confined to the mountains which are broken into various irregular shapes by the river Lehigh and its tributaries, and the deep and narrow glens into which this region is cut here and there, the very name of Northampton county will be so naturally and unavoidably associated in his imagination with the idea of roughness and sterility, that he will scarcely be able to conceive of it otherwise than as being a mountainous, unfruitful, and desolate waste. We speak from experience when we say that such is the case, since we know how difficult it is to divest the mind of the unfavorable impressions which a few months residence among the mountains of the Lehigh, give to the general appearance and face of the surrounding country.

In following the serpentine course of the valley from this place to the Lehigh Water Gap, which is about twelve miles, the river is as above this place, skirted with mountains, which cause it to take various abrupt turns and windings to find a passage between them; though near the mouths of several small streams which empty into it in East Penn and Towamensing townships, there are a number of fine farms and well cultivated fields; which is also the case for several miles up the valleys of these streams.

In approaching the Lehigh Water Gap, a scene is presented to the eye of one who has any taste to admire whatever is grand, picturesque, and romantic in nature, which cannot fail to excite a degree of admiration. Here the river breaks abruptly through a narrow gap in the Blue Ridge, which seems to have been cleft asunder by nature for the express purpose of affording a passage for the congregated waters above to escape to the mother ocean. In passing through the Gap, the broad expansive valley of highly cultivated fields and sloping woodlands below the mountains apparently opens a new world to the traveller; so striking is the contrast with the mountainous region above. The beauty and richness of the country, however, is still increased as we proceed toward Easton. From Cherryville to that place it is an elevated plain, with here and there a gentle depression for the small streams that make their way to the Lehigh and Delaware rivers. As far as the eye can reach may be seen rich farms, neat stone dwellings, commodious and well filled barns, and beautiful orchards, richly laden with fruit, affording a specimen of the independence which is characteristic of the German farmers of Pennsylvania. Indeed the general appearance of prosperity indicates that the inhabitants are, what we believe they are generally acknowledged to be— as honest, industrious, and frugal a set of people as are to be found in any part of the Union.

The German language is very generally spoken among them, though we are informed that English schools are becoming more frequently established and generally patronised, for the education of the young in the prevailing language of our country. We noticed several very neat convenient school houses in the different neighborhoods along the road, as well as in the little villages which are springing up here and there through the country. Many of the farmers send their daughters to the Moravian Seminary at Bethlehem, which is so justly celebrated for the acquirement of a good English education.

At Easton, we were pleased to observe that among the various other improvements, the new Lafayette College, which has recently been commenced, is rapidly progressing. This noble structure, which will prove a lasting monument to the enterprise of the place, is being erected on a lofty and commodious eminence on the north side of the Bushkill creek, and presents a front of



112 feet, overlooking the borough, the Delaware and Lehigh rivers and canal, the Morris canal coming in from the east with its inclined plane, and the rich and flourishing agricultural country for many miles around on this side of the Delaware, as well as in the adjacent parts of New Jersey; and in short, affords perhaps the most delightful prospect as well as the most eligible and healthy location which can be found in the country.

Easton is too well known to most of our readers to require a description. Suffice it to say, that it is at present inferior to very few towns in the state, in business, wealth, and enterprise. Situated as it is, at the junction of the Delaware and Lehigh rivers, and the concentration of various works of internal improvement, the Delaware canal from Bristol and Philadelphia, the Lehigh Canal from Mauch Chunk, and the Morris canal from New York, with all these peculiar advantages, it cannot fail of becoming a place of great and increasing importance in future.

We might, if our time and limits would permit, find ample materials to enlarge upon the subject of the importance of the lower part of Northampton county both in an agricultural and commercial point of view—matters of notoriety it is true at home, but which would doubtless prove interesting to our more distant readers. But while commenting upon these sources of prosperity, below the mountain it must not be forgotten, that the upper part of the county, notwithstanding the forbidden aspect of its wild and mountainous location, is by no means destitute of its share of natural advantages which are being rapidly developed by the assistance of art. The old proverb that there is nothing made in vain, is most strikingly verified in this case. For in addition to the vast quantities of lumber which our immense forests are capable of furnishing, some of our mountains are rich in inexhaustible mineral productions, which, as a source of wealth and improvement, vie with the agricultural productions of the country below the mountain.

On the whole, were we to inquire into the causes which have mainly contributed to the development of the resources of this part of Pennsylvania, we should be led to the irresistible conclusion that it is to *internal improvements*, encouraged by the enterprise of many of our citizens, that the credit is due for this prosperity. But this state of things may be said to be but the dawning of the prosperity that awaits this section of our country. We firmly believe that there are other improvements which are destined at no distant period, still more to enhance the advantages and importance of the country. We shall allude more particularly to these hereafter, as time and circumstances shall permit.—*Mauch Chunk Courier*.

#### NEWTOWN FREE CHURCH.

At a meeting of the Trustees of the free and independent house of worship, in Newtown, held at the house of Joseph Archambault, the 24th of August, 1833, Silas Philips was called to the chair, and John Linton appointed secretary. The object of the meeting having been stated, and the views of the different trustees upon the subject having been expressed, it was judged expedient to adopt the following preamble and resolutions:

Whereas, at a meeting of the citizens of Newtown, favorable to the erection of a free and independent house of worship, held at the house of Jacob Archambault, on the 14th of August, 1830, it was on motion resolved, that John Linton, Silas Philips, John Bond, Amos Wilkinson, Samuel Philips, Thomas Goslin, and James Divine, (since deceased,) be and are hereby appointed a board of trustees, to receive and hold in trust, a title or deed, for a lot of ground, the liberal donation of Joseph Archambault, as a site whereon to erect the aforesaid building—which deed was duly executed and recorded in the deed book, No. 55, page 474, &c.

And whereas in the aforesaid deed it is declared "that the aforesaid house of worship shall be free for the accommodation of all such ministers of the gospel as shall

render their services gratuitously—subject nevertheless to the direction and control of the aforesaid trustees, or a majority of them, in such manner as to prevent any improper conduct in and about the premises, or any ascendancy or engrossment of the aforesaid privileges, by any minister of the Gospel, or by the ministers of any religious denomination whatever, to the exclusion of others equally entitled to the use of the aforesaid free and independent house of worship."

And whereas it has been judged necessary, under existing circumstances, that certain rules and regulations should be adopted for the regulation of the aforesaid premises, in addition to the provisions specified in said deed. Therefore

Resolved, That whenever and as often as any qualified minister of the Gospel shall be desirous of occupying the aforesaid house of worship for religious duties, he shall make known his intentions to the President, (Silas Philips,) or if more convenient, to any one of the trustees, [specifying the day and hour when he wishes his religious duties to commence,] who shall grant him the occupancy of the said house for the aforesaid purpose, provided a previous appointment shall not interfere with the time specified in his said appointment.

Resolved, That every minister of the Gospel, in possession of the aforesaid house, for the time being, and wishing again to occupy it, shall make a public declaration thereof at the close of his meeting, specifying the day and hour, when he wishes again to occupy the said building; and if there should be no previous appointment for the said time, the occupancy shall be his to the close of his religious services.

And whereas it may so happen that a person residing at a distance, wishing to occupy the aforesaid house of worship, and having made an appointment in writing, directed to the President, or one of the said trustees, which said appointment may interfere with one already made, and no opportunity presenting for the trustees to apprise him of said previous appointment, in all and every such case it is recommended by the trustees, that the first applicant for the building do so regulate his proceeding that a portion of the time may be afforded for the second in application, to have an opportunity to communicate what is upon his mind. That in the language of Paul the Apostle, "all things may be done decently and in order."

It is further recommended by the trustees, that whenever it may so happen that two appointments may interfere in the manner above stated, or otherwise, the ministers so coming together do exercise towards each other, a spirit of Christian forbearance and brotherly love: believing, as they do, that the cause of truth cannot be promoted where a spirit for controversy, and contention for superiority prevails. "For one is your master, even Christ, and all ye are brethren."

Resolved, That the proceedings of this meeting, signed by the chairman, and attested by the secretary, be published in both the county papers.

SILAS PHILIPS, Chairman.

Attest—JOHN LINTON, Secretary.

*Bucks County Intelligencer.*

#### REFORM CONVENTION.

HARRISBURG, Aug. 26, 1833.

The delegates from the several counties assembled in the court-house at 10 o'clock, when the Convention was organized by the appointment of the following officers:

George Kremer, of Union, President.

Mahlon Ortlip, of Philadelphia county, and John M<sup>r</sup>. Reynolds, of Columbia, Vice Presidents.

Henry K. Strong, of Dauphin, and Wm. J. Mullen, of Philadelphia, Secretaries.

On motion of Mr. Mullen, the following gentlemen were appointed a committee to report to an adjourned meeting, such subjects as are suitable to receive the action of the convention, viz.

Messrs. Kremer of Union, Earl of Philadelphia, Evans



of Dauphin, Johnson of Luzerne, Bancroft of Columbia, and Yearick of Union.

On motion of Mr. Earl, it was

Resolved, That the said committee be instructed to report what parts of the Constitution ought to be taken up by this Convention, for the purpose of suggesting suitable amendments for the consideration of the people; and also to report the order of taking up for consideration those parts to be amended.

Letters from the delegates appointed by the counties of Mercer, Butler, and Tioga, assigning reasons why they could not be in attendance, and expressing the decided wish of the people in their respective districts, for a reform of the Constitution, were read.

Adjourned to 3 o'clock in the afternoon.

Convention met according to adjournment, at 3 o'clock. P. M.

The following delegates were in attendance.

*Philadelphia*—Wm. J. Mullen, Mahlon Ortlip, Thomas Earl, John F. Johnson, and Daniel M'Laughlin.

*Dauphin County*—Henry K. Strong, Benjamin Evens, and John Cameron.

*Union*—George Kremer, and Henry Yearick.

*Columbia*—John M'Reynolds and Le Grand Bancroft.

*Luzerne*—Luther Kidder, and Ovid F. Johnson.

*Huntingdon*—Alexander Gwin, and John T. M'Callan.

Mr. Earl, from the committee appointed for the purpose, reported a number of subjects as proper for the action of the Convention.

After some discussion on the propriety of specifying particular amendments to be recommended to the consideration of the people, in which Messrs. Strong, Ortlip, Earl, Bancroft, Mullen, Johnson, of Luzerne, Kidder, Kremer, and Yearick took part, the following resolutions were agreed to.

Resolved, That the immense patronage vested in the Governor by the Constitution, is wholly unsuited to the form and spirit of our republican government, destructive to the vital principles of election, and dangerously hostile to the rights, interests, and happiness of the people.

Resolved, That the absolute power of appointment reposed in our Governor, without check or control by any co-ordinate branch of our government, is contrary to the fundamental principles of democracy, and in theory and practice nearly allied to *despotism*.

Resolved, That the unlimited exercise of the pardoning power by the Governor, is little short of a denial of justice to the people, and ought to be placed under a wholesome restraint.

Resolved, That the right of suffrage should be under as few restrictions as are compatible with the safety of our republican institutions, and that the restrictions on the right in Pennsylvania require revision.

Resolved, That the term of holding of offices for life is a relic of European aristocracy—the gem of an American aristocracy, silently but certainly undermining our liberties, and paving the way for the establishment of a monarchical government in this country.

Resolved, That the present Constitution, deprives the people of the power of electing many officers whose election properly and of right belongs to them, and that in this particular it violates the fundamental principles of all free government.

Resolved, That the long term of office and continued eligibility of the Senators of this state, are incompatible with the best interests of the people.

Resolved, That the Constitution of any free government should contain a provision for its own amendment and reform, and that the want of such provision in the present Constitution, has subjected the people to long hardship and misrule, and that it is deeply to be deplored.

Resolved, That the people be requested to consider whether any, and if any, which of the following amend-

ments of the Constitution ought to be made; and that they instruct their delegates to an adjourned meeting of this Convention, in relation to the subject.

1. An amendment for shortening the term of the Governor's office, and the period of his continued eligibility.

2. A restriction in certain cases on the power of the Legislature to grant perpetual and irrevocable charters of incorporation.

3. A prohibition of lotteries

4. A restriction on the power of the Legislature to borrow money beyond a certain amount, on the credit of the state.

5. A restriction on the holding of two or more offices or appointments at the same time, the joint emoluments of which shall exceed a certain amount.

On motion, the following gentlemen were appointed to draft an address to the people, viz. Messrs. Bancroft of Columbia, Kidder of Luzerne, Earl of Philadelphia, Gwin of Huntington, and Johnson of Luzerne.

Adjourned to meet again at 10 o'clock to-morrow morning.

Met according to adjournment at 10 o'clock A. M.

Mr. Johnson of Luzerne, from the committee appointed for that purpose, reported the following

#### ADDRESS.

Fellow Citizens,—The present Convention has assembled in obedience to the will of the people, to take into consideration the most speedy and effectual means of securing the amendment, and reform of the existing Constitution of Pennsylvania. The short period which has intervened, since the proposition for holding a Convention at this time—the want of concert, in relation to it among the people, of the several counties of the state—the busy season of the year—and the active efforts of men interested, to defeat the measure, and to prevent the united movement of the friends of reform, have all contributed to throw in the way of the meeting of this Convention, obstacles and difficulties of such a character, as nothing but a firm confidence in the righteousness of the cause in which we are engaged, could enable us to overcome. In despite of every disorganizing attempt, we have convened, and we have adopted such a plan of operations, as we think, will most promote the object of our meeting under the circumstances in which we stand.

It appears to this Convention, scarcely possible to doubt of the imperfections of the present Constitution of the state; and just as little possible to doubt of the necessity of correcting these imperfections, wherever they may exist. For years the people have loudly and repeatedly demanded their correction—but the interposition of official power, has as often succeeded in rendering their efforts at reform abortive. Every pretext has been made, and every artifice practised, to deter that portion of the people, who had not fully determined the proper course to be pursued upon the subject, from a fair and candid examination of the defects, which are found in our Constitution. They were told that it was formed under the guardianship of the wise and patriotic fathers of the country, and that respect and veneration for them should sanctify their work, and stamp it with immortality. This plausible objection has doubtless operated with many who have not bestowed due reflection upon its fallacy.

This Convention yield to none, in sentiments of profound veneration for the framers of the Constitution, which we are now striving to amend and improve. We feel the deepest gratitude for their services in the dark days of the Revolution—and for their labors in the formation of the structure of our government, and the utmost respect for their opinions. We firmly believe, that were they here, at the present time, (most of them having paid the great debt of nature,) that they would be first to correct imperfections in their work, which



never had been introduced, but for the peculiar circumstances of the case, and their own inexperience. This objection to the amendment of our Constitution, may be advanced with equal propriety, to perpetuate the reign of every despot on earth. It is calculated to repress the spirit of intelligent inquiry, and to cast away as worthless all the valuable lessons of experience. We trust an argument which leads to these consequences, will meet with little encouragement in this free republic. A Constitution has been well defined to be, "the form, or first principles of government delineated by the mighty hand of the people." If this be true, the same hand that first delineated its features, may change them as the occasions of society require. The Constitution itself recognizes this wholesome principle, and the only question which we are called on to consider is, have such changes taken place in the condition of the country, as to call for corresponding alterations in our form of Government? was the present Constitution ever such an one as the happiness of the people demanded?

What was our condition in 1790, when the present Constitution was adopted? The country was just emerging from the tumult and confusion of the Revolution—its population bore no comparison to it at the present time—few counties were organized—election districts were extensive, with scarce any means of communication among the people of different parts—the principles of government were well understood by some of the leading men, but were not clearly comprehended by the people at large—the bias of the best informed men's minds was favorable to strong and energetic government; and can we be surprised, that in this state of things, such a Constitution as the present was adopted? The cause of surprise is, that the Convention formed one as perfect as the present. Had the people possessed facilities of communicating upon the subject with each other, of examining the objectionable portions of the Constitution, and of fully understanding their import and tendencies, it is impossible, that they could have quietly received so imperfect a form of Government from the hands of the Convention, they would have risen up in their primary assemblies, and denounced it in tones which the members of the Convention could not have misunderstood. Nay, had the same state of things existed at that day, that now exists in Pennsylvania, the people would have required strong and satisfactory reasons, from their representatives in the Legislature, for abolishing the first truly Democratic Constitution, reared under the auspices of the great Franklin, and of vesting in the hands of the anti-democratic members of the Convention, that imposed the present Constitution upon the people the absolute power of dictating a form of government without "the consent of the governed." The very facts themselves, that the Legislature of 1790 dared to annihilate the first Republican Constitution of Pennsylvania, without the constitutional right so to do, and that the Convention which established over the people, the present Constitution dared to take such a step, without asking the consent of the people, proves, beyond doubt, that undue advantage was seized, and that the people were brought under the yoke, because circumstances precluded them from asserting their rights. Time has wrought a change in the whole aspect of our condition. Our population is numerous—our people are enlightened—they have studied, and rightly understand the nature of this government and the particulars in which it is defective. We are at peace with the world, and as much at peace with each other, as people in a free republic can be. Now is the time to accommodate our Constitution to our wants and our happiness. But it is said that attempts have been made, and that the people have been found opposed to the measure. How is the fact? In 1805, when the matter was presented to the people first, the causes which induced the adoption of the Constitution, with all its imperfections on its head, were not yet wholly removed. The predominating party of the time was unfriendly to all

reform. The combination of its official influence thwarted the wishes of the majority of the people, and their exertions were fruitless. In 1825, a Convention would have received the support of an overwhelming majority of the people, if the subject had been proposed in a proper manner. The votes were authorised merely to be given "for a Convention," or against it, without providing for its proceedings to be submitted to the consideration of the people. The people were apprehensive, if they surrendered their Constitution into the hands of a Convention, with no specific check upon its proceedings, that it would take advantage of the former precedent, and fasten upon them such a Constitution as would be as little suitable to their wants as the present. They, therefore, by a small majority, crushed the measure. When we consider the circumstances which the vote of the people was given in 1805 and 1825, upon the subject of reforming and amending the Constitution, it cannot fail to excite our admiration of their integrity and patriotism. When we see the rich and powerful extending their influence throughout all ranks of society, arrayed to maintain the reign of aristocracy and corruption, secure as it is under some of the imperfections of our present Constitution, and to sustain these, all the office holders, who subsist on the plunder of the public, with most of the presses in the country subsided and muzzled, thus preventing all agitation and elucidation of the subject; and when we see the people, in opposition to this formidable phalanx, stand nobly forth, and *almost* triumph over their enemies; it must inspire the patriot with the highest confidence in the virtue of the people, and in their ability to perpetuate to the latest time the free institutions of this country. It is a truth, which the experience of all free governments confirms, that "the people never intentionally do or approve wrong." Demagogues may mislead them, the influence of the powerful may awe them for a short season into submission, but give them intelligence, give them freedom of thought, and it is not within the compass of human agency to reconcile them to a bad form of government. If the great mass of the people of England understood their rights, her Constitution had long ago been purged of its corruptions. The people of Pennsylvania understand their rights, and with the auspicious smiles of Heaven upon their exertions, they will regain possession of those they have lost.

The Convention has thought proper, to obviate all objection to the amendment of the Constitution, by a Convention of the people elected for that purpose, to suggest some of the principal points in which it conceives the Constitution to be defective, or founded on erroneous principles, and to have it clearly and distinctly understood, wherein and how far reform is sought, amendment is proposed. The principles which are recognized in our resolutions, we consider as the great landmarks of reform, from which any Convention entrusted with the alteration of the Constitution, will not be at liberty to depart. Applying those principles to the present Constitution of Pennsylvania, will be the test by which its imperfections are to be ascertained. No provision, which does not clash with these fundamental principles of all free government, will be touched or impaired. That the Constitution now contains many valuable principles of government, no one can deny. We acknowledge this truth with the liveliest pleasure—and we should be among the last men in the community, to disturb a single article of it, or to mar one feature of it, in which it even approaches towards republican perfection. No! let its excellencies remain as a monument of the wisdom and patriotism of our fathers, and let it be our care, as it is our duty, to render them more conspicuous, by pruning away and correcting the imperfections which have too much obscured them.

You will readily perceive, fellow citizens, that although our resolutions suggest several important amendments of the Constitution, they all depend upon three grand principles:



First, The curtailing of the immense power and patronage of the Governor.

Second, Confiding to the people the election of a number of officers, and the exercise of rights, which are vitally connected with their safety and happiness, from which the present Constitution debars them.

And third, The abolition of the term of holding offices for life.

We do not believe that a single man can be found amongst us, who values his reputation, or who regards the interests of the people, who can, or who dare refuse his assent to all of these principles, purely democratic as they are in their character. He who denies their truth, denies the possibility of republican government, for upon them the permanency of such government entirely depends. The people understand them so thoroughly, that we deem argument in their support superfluous and unnecessary. They are self-evident, and carry irresistible conviction to every mind that contemplates them. We therefore submit them to the unbiased judgment of the public without fear.

Let it not be said that our resolutions contain a single novel proposition. We apprehend, that each and every measure recommended, has been sanctioned and reduced to practice, with the happiest effects, in most of our states. The people of Pennsylvania are as enlightened, as honest, as incorruptible, as those of any other state in the Union, and if they are not wanting in that spirit of freedom which has ever distinguished them, they will soon be as free.

There is one subject presented for the consideration of the people, on which we have not expressed our decided opinion, which seems entitled to especial notice. It is, "whether some limitation on the power of the Legislature to borrow money on the credit of the state, ought not to be marked out in the Constitution?" Debts improvidently contracted, without any certain or visible means of repayment, are as unwise and injurious to the state, as to individuals. It becomes the people to inquire, whether it is prudent to suffer its Legislature to entail upon the state a public debt of *twenty millions* of dollars, without deriving from its expenditure enough to discharge the interest; and still retain the power of plunging the treasury deeper in this "slough of despond," unchecked and unrestrained.

Your Constitution, fellow citizens, ought to be the guarantee of your rights—it ought to spread over you as the shield of your personal independence—it ought to say to your rulers, "thus far shall ye go, and no farther."

We have also requested the people to fill up this Convention with Delegates from every county and district in the state, to convene here on the glorious eighth of January, and adopt such a plan of operations as circumstances may require; to secure success to our efforts; and "if need be," to form such a Constitution, as they may be instructed to frame, which they shall submit to the consideration of the people of Pennsylvania. The right of the people to vest their Delegates with the power of framing a Constitution for their government, cannot be controverted. Nature has interwoven it in the structure of society—the "bill of rights," which constitutes a part of the Constitution, has declared the rights of the people, to "alter, reform, amend, and abolish their form of Government"—and it has further declared their right "peaceably to assemble for that purpose." The right being conceded, its exercise is a matter of policy. If the Legislature should refuse to pass the necessary law for enabling the people to call a convention, or should they pass it in such a form as to cause the defeat of the measure, the people can only rise in the majesty of their power, and provide "new guards for the public safety." Some will call this a revolutionary measure. It will be indeed a peaceful, tranquil revolution, effected by public opinion.

In the pursuit of an object, Fellow Citizens, let party feelings, party bickerings, and party distinctions, be

merged in the exalted love of freedom and of our country. When the great strife of principle is to be met, let our little preferences for men and names be forgotten. The prize we fight for, is the prize for which our fathers contended—let us turn our eyes to them, be cheered by their example, breast the shock, and breast it nobly, of corrupt pensioners, fallings of office, and aristocratic contemnners of the people, and of the people's dearest rights—and he who doubts our success, is ignorant of the character of the honest yeomanry of Pennsylvania.

Our enemies are vigilant and active to deceive. They represent our numbers as small, they impute interested motives to us, they flood the country by their influence over the presses of the country, with high wrought eulogies on the prosperity of the state, and ascribe it all to the "golden reign" of the present Constitution, forgetting that the spirit of freedom, which actuates the people, has animated the population of the state, advanced its prosperity, and elevated its character, in defiance of the crippling restraints imposed by submission to governors, of almost despotic power, by the misrule of officers who acknowledge no direct responsibility to the people, and by the paralyzing reign of men, placed over us beyond reach, as our "task masters" for life. The state is indeed prosperous, but how much more so would it have been under the blessings of a free, equal, and truly Republican Constitution?

We must persevere even unto the end. The sneers and derision of our adversaries should only awaken our energies, and incite our zeal. Those who live by the corruptions of government, will oppose their correction, they have ever in all countries, and at all times done so; and can we expect the nature of such men to change?

The pioneers of reform must learn, and that patiently, to be assailed and abused. It is the evidence they have of faithfully discharging their duty. Every man in society is deeply interested in the struggle for free principles. Every man can do something; however small his influence, it is his duty to wield it in the cause.

The purity of the right of election—the permanency of the Constitution itself—the very existence of all liberty worth enjoying—the happiness of the present and of future generations, in this state, are all at stake in this contest between the friends and the enemies of reform; the free born sons of Pennsylvania who falters at this momentous crisis, must forget the regard which he owes to himself, the protection due to his children, and the manly devotion of a patriotic heart to the welfare of his country.

The following resolutions were then passed.

Resolved, That this Convention adjourn to meet on the 8th of January 1834, and that the people be requested to meet in county conventions as early as practicable, and fill up this Convention with a number of Delegates, equal to the number of members of the Senate and assembly representing each county and district of the state; and that the people of every county in the state be desired to instruct their Delegates, to form a Constitution to be submitted to the people for adoption or rejection, if such mode be deemed advisable, or to petition the Legislature to take any other step upon the subject which seems most likely to attain the object of the assembly of the Convention.

Resolved, That we earnestly recommend to our fellow citizens in every county of the state, that they call upon all candidates for the Legislature for their sentiments in writing, upon the proposed call of a Convention, to submit its proceedings to a vote of the people; and that they vote for no candidate at the election who does not avow himself favorable to the object.

Resolved, That we earnestly recommend, that the friends of Reform in every township in the state exert themselves to get petitions favorable to a Convention extensively signed and presented to the House of Representatives on the opening of the next session of the Legislature.



Resolved, That we recommend to the friends of Reform, that they present at all the county, township, and ward meetings of the political parties to which they belong, resolutions favorable to the amendment of the Constitution and the abolition of offices for life.

Resolved, That we also recommend, that special, county, and township meetings of citizens be held, to consider the expediency of calling a Convention, to submit an amended Constitution to the vote of the people.

Resolved, That those office holders who are now striving to mislead the people on the subject of Constitutional Reform, have justly rendered themselves odious to the citizens of this commonwealth, and that their conduct furnishes one of the strongest reasons why the people should arouse themselves in the support of a cause so vitally connected with their dearest interests.

The following gentlemen are appointed a general

committee of correspondence with power to add to their number or fill vacancies:

Messrs. Mahlon Ortlip, Thomas Earl, William J. Mullen, John F. Johnson, Louis P. Louze, Frederic Stæver, John Watkins, and Peter A. Grotjan, of Philadelphia; Henry K. Strong, Benjamin Evens, John Cameron, Joel Bailey, and Jacob Duck, of Harrisburg; George Kremer, of Middleburg, Union county.

County Committees will appear at another time.

Resolved, That the proceedings of this Convention be signed by the officers, and that the editors of newspapers in this state be requested to publish them in their respective papers.

GEORGE KREMER, President.  
MAHLON ORTLIP, } V. Presidents.  
JNO. M'REYNOLDS, }  
Henry K. Strong, } Secretaries.  
W. J. Mullen, }

STATE OF THERMOMETER IN PHILADELPHIA ALMS HOUSE.

State of Thermometer in Philadelphia A. H.						State of Thermometer in Philadelphia A. H.					
1833.	Sun rise.	9 A.M.	Merid. or noon.	3 P.M.	Remarks.	1833.	Sun rises.	9 A.M.	Merid. or noon.	3 P.M.	Remarks.
July 1	69	73	77	81	SW and clear.	Aug. 1	65	69	72½	74½	NW and clear.
2	74	77	82	85	NNE to NNW ra	2	68	71	75	78½	SW, clear.
3	66	64	65	66	NNE and rain.	3	69	73	78	78½	SE and hazy.
4	65	68	70	72	NW and clear.	4	73	75	78½	75	E and rain.
5	64	68	70	72	W and clear.	5	72	74	76½	78½	SE, cloudy, rain.
6	64	69	73	76	SW and clear.	6	73	75½	76½	77	SE, cloudy rain.
7	72	75	78½	81	SW to NW ra. thun. & ligh'g.	7	78	75	78½	77	NW and cloudy.
8	73	76	79½	83	SW and clear.	8	67	70	74	78	N and clear.
9	76	76	76½	78	cloudy, rain.	9	72	72	73	73	SE, rain.
10	63	69	72½	75	SW and clear.	10	60	65	68	73	NW and clear.
11	66	70	75	78	SW and clear.	11	64	68	72	75	NW and clear.
12	73	75½	78	80	SW rain, thun- der & lightn'g.	12	69	72	76	79	S and cloudy
13	73	76	81	83½	WSW and clear.	13	74	78	80	82	S and hazy
14	79	81	84½	86½	wind S, rain, thund. & light.	14	72	74	76	78	W and cloudy
15	75	76½	78	78½	WNW and clo'y.	15	72	75	80½	83	SSW to NW, rai. thu. & lig.
16	67	70½	73	75	W and clear.	16	69	72	76	78½	S, rain, thun- der & lightn'g.
17	69	71	73	74	SW cloudy, rain.	17	66	68	74	75	NW, clear.
18	67	68½	71½	74	NW and clear.	18	65	67	72	75	NW and clear.
19	66	70	72	74	NW and clear.	19	63	67	73½	75½	NW and clear.
20	69	72	78	80	S, cloudy.	20	64	68	74	76½	NW and clear.
21	69	70½	75	78½	E and cloudy.	21	63	68	73	74	ENE to SSE, r.
22	73	77	82½	86½	SE to NW clou'y.	22	65	68	72	73	NE and cloudy.
23	75	77	80	82	N, clear.	23	70	72	74	74	NE and cloudy.
24	74	76	80½	87	S to NW rain, thun. & light.	24	62	65	69½	72	NNE and clear.
25	77	76½	75½	74	NE cloudy, rain.	25	62	65	70	74	SW and clear.
26	67	71	74½	76	E, clear.	26	64	68	74	79	SW and clear.
27	69	72	77	80½	S, clear.	27	71	73	78	82½	SW and cloudy.
28	76	78	80	81	NW and clear.	28	65	66	68	69½	NNW and clear.
29	63	68	74	77	SW, clear.	29	58	63	67	68	NW and clo. ra.
30	76	78½	77	79	SW to NW ra. thund. & light.	30	54	58	62½	67	Est'd and clear.
31	64	68	71	72½	NW and clear.	31	64	65½	68½	72	SSW and clear.

MANUAL AND MENTAL LABOR CONNECTED.

DIOTTVILLE GLASS WORKS.

Kensington.

In the science of education, the problem of connecting simultaneously mental and manual labour has been fortunately made of late the subject of serious discussion; and yet, is there "ample room and verge enough" still to agitate the subject. When we speak of education,

we use the term in its utmost latitude—not as confined to the improvement of the mental knowledge—coinciding in opinion with the ancient philosopher, who, on being asked what a person should learn in his youth, answered "what he must practice when he becomes a man." So think we. The growth of the vegetable world in spring is chiefly to sustain the flowers of summer, and the fruits of autumn; and the instruction of youth should be a preparation for the practice of man-



hood. Hence it might almost be considered an equivoical question, whether the youth in humble life, whose station in society must necessarily render him dependent in manhood upon his manual labour, should not have his education more prominently directed to some mechanical pursuit attended with mental instruction according as time would permit,—rather than have the earlier years of his boyhood consumed in idleness, or languidly pine in abecedarian tasks; and then apprentice him to some employment necessary for after life, in which he may possibly forget all his former reluctantly acquired information. If both branches of education—the manual and the mental—could be simultaneously combined, in a manner that the transition from the manual to the mental instruction would prove a relaxation and anticipated amusement, rather than that instruction in school should be considered a compulsory obligation—acquiesced in by the parents from the force of custom, or to keep their children from something worse; and by the children from the dread of authority or the force of fond persuasion—reason and experience must convincingly come to the conclusion, that the mechanical pursuits of the man, and the progress and success in life of the man, are more certainly secured by probationary employments in manual labour during childhood. Those who are destined to acquire a livelihood by handicraft practices, should certainly have their spring of life engaged in the necessary preparations for such practices—and that in the most prominent and effective manner; making however as far as possible the education of the mind and of morals a necessary concomitant.

We have been induced to adopt more decidedly such an opinion, from a visit to the extensive factory of glassworks at Dyottville, Kensington, on the banks of the Delaware, north of this city—where we had an excellent opportunity of seeing in successful practice what we have considered preferable in theory.

These works had been for some time established by Dr. T. W. Dyott of this city; but had not been brought to their present basis of discipline, till within the last three or four years—when he procured the effective assistance of his brother, as resident superintendent. Then the proprietor was enabled to put his philanthropic plans into practice; although previously they had been approximating to this state.

At present there are considerably upwards of three hundred persons directly or indirectly connected with the factory, either engaged in the glassworks, or the pursuits rendered usefully auxiliary: and of these, more than two hundred are apprentices. These, with such of the workmen as are not married, are resident on the premises; and are subjected to a system of discipline conducive to their health, their manners, their morals, the improvement of their minds in the common branches of knowledge,—as well as to their daily labour in their allotted employments. Boys of every age from infancy to puberty, we saw in the establishment during our visit on Thursday evening—variously employed, and working with a degree of alacrity seldom witnessed; and many of them working with an ability correspondent to their will.

There are at present four furnaces in operation in divided compartments of the factory; and a fifth that will be in operation in five or six weeks; and the proprietor conceives the hopes of being enabled to add another in the spring of next year. Around each of these furnaces are placed ten or twelve persons—according to the capacity of each for holding the pots, containing the melted glass—employed in making every species of vials from one containing a *drum* to one containing three or four gallons. This is effected by blowpipes—each person being furnished with one of length sufficient to ensure him from any danger in blowing the glass for the vial. Having so prepared the glass, fashioned it by a mould made according to any form required, and adjusted the neck and bottom, a lad attendant on every one or two of the glass blowers, immediately conveys

the vial into an oven adjacent, where it is permitted to remain in a gradually cooling state till the evening of the following day. Such is the repeated process at every furnace.

The fuel employed in some instances is rosin: and in others kiln dried wood; and every used furnace must be kept constantly fed night and day. Every evening, the cylindrical pots at each section of the circular furnace is replenished with the composition for the glass—which is thus molten into the consistency required for the work of the ensuing day. The composition is of course properly proportioned according to the color and nature of the vial required: for this, there are different persons and places allotted—so that by this adjustment and accumulation of labor, there are consumed daily about 10,000 pounds of glass;—and annually about 120 tons of red lead, 185 of pot and pearl ashes, 680 of sand, 120 of pot clay, 12 of wrought iron for the necessary instruments (all manufactured at the factory) and 110 of packing hay—about 2300 bushels of lime, and 1500 of salt—15,000 barrels of rosin for fuel, 1800 cords of pine and oak wood, and 1200 bushels of coal, &c.

Attached to these furnaces, in separate houses, are a smithery for the iron work—a turning shop for wood and metals—a carpenter's shop for making the boxes necessary for package, &c.—a shoemaker's house,—tailor's apartments,—a pottery establishment,—a department for preparing and compounding the ingredients for the pots, and another for the glass—in short there is no branch or almost process of employment that such a manufactory will require from necessity or for convenience or despatch, that has not a divisional department allotted to it—and where all regularly proceeds from the incipient to the completing steps of the manufacture—and where all are employed, according as their skill, or as circumstances may require. Even at the wicker work for covering the demijohns, are employed rosy little urchins—who are emulous to excel, and pleased at having their work noticed or praised by visitors. This appears to be among the first useful employment of the youngest apprentices; and the well inculcated system of honorable rivalry and dispensed rewards, leads them on from step to step, and from one employment to another—till they arrive at a proficiency in the trade, and terminate their apprenticeship. The more proficient of the apprentices are appointed and rewarded to teach the deficient; and every apprentice, on completing his stipulated period of service, is at liberty to continue in the employ as a journeyman, or to rove at will. But few do leave the establishment, except some of the inconsiderate who are tempted to try for employment elsewhere—but, like the liberated dove of Noah, they soon hasten to return.

Indeed the inducements to continue at Dyottville cannot elsewhere be found: for every married person connected with the factory may have in its vicinity, a comfortable house at a trifling rent, and other advantages for themselves and their families too numerous to be specified.

But the discipline of the apprentices, is particularly deserving of commendation, as superior to most establishments of a similar nature—whether intended for learning a mechanical employment, or scholastic knowledge. They are considered and treated in every respect as scholars, in a well regulated boarding school. They are well lodged, well fed, well taught and well clad. Their dormitories are well arranged, so separated that too many do not sleep in each; yet so connected that their teacher can control all. They have a house to wash, &c. in; another as a wardrobe, where each boy has his own place—indeed in our visit through the apartments we saw a place for every thing, and every thing in its place. Their dining room is spacious, and their diet of a wholesome and superior quality, and abundant in quantity. The men resident dine in a separate apartment. The



school room is well fitted up, and contains books and materials for every progress of instruction; and a school master is on the spot to superintend the instruction of the boys—indeed to take charge of them at all times when not at their manual employments—and to have in charge all their wearables, books, &c.

During the day when not immediately engaged at work or school, the apprentices are permitted to play or divert themselves as discipline will allow—and the proprietor has a boat for their special use whenever they require it during playtime. So that the varied exercises and employments give health and relaxation, contentment and comfort. The manifest desire evinced by the proprietor to contribute to their enjoyments, renders them subordinate, diligent and grateful; and teaches them to consider him as a substituted parent. Indeed we were astonished on seeing them at work pursue their employments with a degree of confidence and constancy, unchecked and unvaried by the presence or absence of any. Such is the happy result of mutual regard, where kindness begets confidence, and confidence produces diligence.

The religious instruction of the youths is fortunately a point of material moment with the proprietor; and the course pursued at this establishment proves with certainty that whatever tends to produce "glory to God in the highest," will necessarily promote "peace on earth, and good will towards man." Dr. Dyott—aware of the efficacy of such a system of promoting moral obligation among his apprentices and workmen, built lately a neat chapel for their accommodation—and not merely for theirs, but for any in the neighborhood, who may be religiously disposed. Besides having a clergyman to lecture or preach thrice every Sabbath, the evenings of each week day have some religious employment allotted—for prayer meetings, for lectures, for sacred music, &c. The evening we visited (last Thursday) was that appropriated for the instruction in sacred music, which was given gratuitously by a gentleman of this city, in the medical profession—but who gives thus his time and talents, partly from philanthropic motives, and partly as a friend to the proprietor. From his mode of instruction, none would dissent; and with the proficiency of his pupils, every auditor must be pleased; and perhaps be induced to exclaim with the sacred poet,—

Lord how delightful 'tis to see,  
A whole assembly worship thee;  
At once they sing; at once they pray;  
They hear of heav'n, and learn the way.

Every apprentice is made intimate with the terms of his indenture, and all with the regulations of the establishment—as printed copies of each are pasted in a conspicuous place. A temperance society is formed among them, and no ardent spirit is allowed to be used by any employed. Temperance meetings are regularly held; and the apprentices and workmen are taught the evil results of intemperance.

The elder apprentices are stimulated to exertion by a monied reward for extra work; and this they expend under the superintendence of the resident guardians—the surplus, if any, being kept for them till their apprenticeship shall have expired.

The brother of the proprietor is superintendant of all the factory and the farm: for there are nearly 400 acres of land along the river belonging to the establishment—from which are got the milk, butter, and such like household provisions.

Did every proprietor of an extensive factory imitate such an example, how fortunate would it prove to the state of society among us! how ameliorative of the condition of our operative classes! how close the connection between the employer and the employed! how improved the moral and mutual obligation of both! and how advantageous to the happiness of all both here and hereafter.—*American Sentinel.*

# METEOROLOGICAL REGISTER.

*Extract from the Meteorological Register, taken at the State Capitol—Harrisburg, Pennsylvania,*  
By JAMES WRIGHT, Librarian.  
JULY, 1833.

Time of observation at 9 A. M. and 1 and 5 o'clock P. M.

Days of the Month	Days of Week.	Morning temperature.	Noon temperature.	Even. temperature.	Mean temp. of day	WINDS.
Thermometer.						
1 Monday		70	83	84	79	W
2 Tuesday		73	86	78	79	S W
3 Wednesday		64	70	70	68	S W
4 Thursday		60	73	70	68	N W
5 Friday		60	73	70	68	N W
6 Saturday		63	75	75	71	S W
7 Sunday		70	82	82	78	S W
8 Monday		74	84	80	79	S W
9 Tuesday		70	76	78	75	S W
10 Wednesday		60	74	70	68	W
11 Thursday		60	80	80	73	W
12 Friday		65	80	80	75	N
13 Saturday		70	86	80	79	S
14 Sunday		72	87	74	78	S
15 Monday		70	76	74	73	W
16 Tuesday		63	75	74	73	W
17 Wednesday		70	75	70	72	N
18 Thursday		63	75	76	71	N
19 Friday		63	75	75	71	N E
20 Saturday		70	88	87	82	N
21 Sunday		73	88	88	83	N
22 Monday		78	90	89	86	N W
23 Tuesday		73	86	86	82	N W
24 Wednesday		77	91	85	84	N
25 Thursday		78	77	75	77	E
26 Friday		69	75	75	73	N E
27 Saturday		69	78	83	73	W
28 Sunday		69	78	75	74	N W
29 Monday		65	82	78	75	N
30 Tuesday		75	78	75	76	N W
31 Wednesday		62	73	73	69	N

## Thermometer.

Maximum on the 22d,	86°
Minimum on the 5th,	67°
Difference	19°
Mean	75°

## Atmosphere.

Days of the month.	Morning.	Afternoon.
1 5 6 7 10 11 12 13		
15 16 17 18 19 20		
21 22 23 24 27 28		
29 31	22 days	Fair Fair
2 14	2 days	Fair Rain
9	1 day	Rain Fair
26	1 day	Cloudy Fair
8	1 day	Fair Cloudy
4	1 day	Cloudy Cloudy
30	1 day	Cloudy Rain
3 25	2 days	Rain Rain

## Days of the Month.

Days of the Month.	Wind.
12 17 18 20 21 24 29	
31	8 days N
19 26	2 days N E
25	1 day E
13 14	2 days S
2 3 6 7 8 9	6 days S W
1 10 11 15 16 27	6 days W
4 5 22 23 28 30	6 days N W



On the 24th at noon, Thermometer at 91° the highest.

On the 4th in the morning, Thermometer at 60° the lowest. Range 31°

The wind has been 3 days east of the Meridian, 18 days west of it, 8 days north and 2 south.

There was rain on the 2d, 3d, 9th, 14th, 25th, and 30th, and at night on the 6th and 11th.

Mean temperature of this month 1° colder than last July.

From the Venango Democrat.

INTERNAL IMPROVEMENTS.

As the improvement of our internal communications is the grand hobby upon which the welfare of this part of the country must in future depend, I trust that it will not be unacceptable to your readers to give my ideas upon this subject.

It does appear to me, that in the widely extended range of canal and rail road improvements undertaken by this Commonwealth, that *one* very important communication has been neglected by the Legislature and citizens generally.

We have justly heard much said in favor of a connexion with Lake Erie: much has been said and written in favor of the different interests, and of course each neighborhood feels an anxiety for a canal or rail road to open a communication to market for their surplus produce. But in this scramble for minor interests, there is danger that the general good may suffer. This is of primary importance, and should ever be the polar star to guide the Legislature in the making of extensive appropriations for improvements. However, far be it from me to say, that any thing now done or proposed, is not for the general good—no neighborhood can be benefitted by improvements, unless the public are in some measure the gainers. I believe that *every* county should have a canal or rail road uniting them with the seaboard, and the time is fast coming, when a canal or rail road will be considered as necessary as a public road is at this time. But the great leading artery connecting the great body politic, should first be made, and then the branches leading to every possible avenue of trade.

In order to show more fully my views, I will make a comparative statement of the distances from the three great Atlantic cities, New York, Philadelphia, and Baltimore, (the great competitors for the Western trade,) to Lake Erie.

	Miles.
1st, New York, via the Hudson and Erie canal to Buffalo,	508
2d, New York, via the New York and Erie rail road to Lake Erie, (not less than)	475
3d, Philadelphia via the Pennsylvania canal and rail road to Pittsburg, and Beaver, and Shenango route to Erie harbor,	563
4th, Philadelphia via the Pennsylvania canal and rail road to Pittsburg, to the Ohio canal and to Cleaveland harbor,	580
5th, Philadelphia, via the Pennsylvania canal to the mouth of the Kiskeminetas, and of the Allegheny river to the mouth of French creek and by canal to Erie harbor,	528
6th, Baltimore via Baltimore and Ohio rail road to Pittsburg, and Beaver and Shenango route to Erie harbor,	493
7th, Baltimore to Pittsburg via Baltimore and Ohio rail road, and to the Ohio canal and to Cleaveland harbor,	510
8th, Baltimore to Pittsburg, as before, up the Allegheny river to French creek and to Erie harbor,	518

The foregoing are the principal routes or lines of communication that have engaged the public mind for some time past. I will now give the distance from Philadelphia by the Pennsylvania canal and rail road, and a

*central rail road* through the northern part of Pennsylvania to the mouth of French creek, and by the canal to Erie harbor.

	Miles.
Philadelphia by the Pennsylvania canal and rail road to the mouth of Bald Eagle creek in Centre county, as now made,	229
From mouth of Bald Eagle creek to mouth of French creek in Venango county,	140
From mouth of French creek to Erie Harbor, (upwards of 30 miles being already made,) —	76
Total distance from Philadelphia to Erie,	445

Thus it will be seen that this route gives Philadelphia the decided advantage in point of distance over all others, and by this communication will supersede New York and Baltimore in the Lake trade, but otherwise, either of those places will have the advantage.

I would suggest the propriety of calling a public meeting of our citizens upon this subject; perhaps a convention of the counties interested, would be an agreeable proposition, at some suitable place soon.

A FRIEND TO IMPROVEMENTS.

GENERAL ANTHONY WAYNE.

The following Biographical Sketch of this upright, able and gallant Pennsylvanian, is taken from the thirteenth and last volume of the *Encyclopædia Americana*, recently published by Messrs. Carey, Lea & Blanchard.

ANTHONY WAYNE,

A distinguished general in the American army, was born in the township of Eastown, Chester County, Pennsylvania, Jan. 1, 1745. His father was a farmer of great respectability, and passed a long life of usefulness to his country, having frequently occupied a seat in the provincial legislature, and repeatedly distinguished himself in expeditions against the Indians. His grandfather was a warm friend of liberal principles, and commanded a squadron of dragoons, under King William at the memorable battle of the Boyne. He emigrated to America in 1722. The subject of this sketch received a good education, though, for some time after his entrance into school, he spent much more time in planning and executing military amusements, than at his books; but, in consequence of a threat of his father to consign him to the drudgery of the farm, he applied himself assiduously to study, and in mathematics, attained great proficiency. After leaving the Philadelphia Academy at eighteen years of age, he took up his residence in his native county, and commenced the business of a surveyor, in which he acquired great reputation and success, devoting also a portion of his time to practical astronomy and engineering. On these subjects he left manuscripts, which have obtained high commendation from adequate judges. He likewise filled some county offices, and took a very active part in the preparation for the struggle which resulted in the independence of these United States. He was one of the provincial deputies, who, early in the year 1774, were chosen by the different counties of Pennsylvania to take into consideration the alarming state of affairs between Great Britain and her colonies, and report concerning it; and a member of the Pennsylvania convention, which shortly afterwards assembled at Philadelphia, and excited powerful emulation in the other colonies. In the same year, he was chosen a representative of Chester county, in the provincial legislature, and in the summer of 1775, was appointed a member of the committee of safety, to whom the duty appertained of calling into actual service the *associators* (as they were termed,) and providing for the defence of the province against invasion from abroad and insurrection at home.



Being desirous of serving his country in a military capacity, to which his natural bent was strong, he retired from civil employment in September, 1775, and raised a company of volunteers, of which he was unanimously elected colonel. In January of the ensuing year, he was appointed, by congress, colonel of one of the regiments which they had resolved to raise in Pennsylvania, and, at the opening of the campaign, received orders to join the army under Gen. Lee, at New York. Thence he proceeded with his regiment to Canada, and shared in the unsuccessful attack upon the enemy at Three Rivers (conducted by general Thompson,) on which occasion he was wounded, and distinguished himself for his bravery and good conduct in uniting and bringing off the broken troops. After the retreat from Canada, and the departure of Gates to join Washington's army, he was entrusted, by General Schuyler, with the command of the fortresses of Ticonderoga, and Mount Independence. Feb. 21, 1777, he was promoted by Congress to the rank of brigadier General. He continued in command of Ticonderoga and its dependencies until the month of May, when in consequence of his earnest solicitations, he was allowed to join the main army, under Washington, in New Jersey, where he was immediately placed at the head of a brigade, which he made every exertion to bring into the field in the highest state of discipline. After the British retreated from New Jersey, the commander in chief complimented him on his bravery and good conduct. As soon as the object of the next movement of sir William Howe was developed, general Wayne, in pursuance of the directions of Washington, left his brigade under the next in command, and proceeded to Chester, in Pennsylvania, to arrange the militia who were to rendezvous there.

In the battle of Brandywine (Sept. 11, 1777), he commanded a division stationed at Chad's ford, for the purpose of resisting the passage of the column under Knyphausen. He maintained the contest with the utmost gallantry until near sunset, when at length, overpowered by numbers, and perceiving the enemy, who had defeated the right column of the American army, approaching his flank and rear, he was compelled to retreat. A few days afterwards (on the 16th,) Washington determined to try the fate of another battle; and, both armies being arrayed in Goshen township, Chester county, on the road leading from Philadelphia to Lancaster, the action was commenced with great spirit by Wayne, who led the advance. It was soon arrested, however, by a violent storm, which rendered it impossible to keep the field. On the 20th, Wayne, in pursuance of the orders of the commander in chief, to move forward upon the enemy, and endeavor to cut off his baggage, took an excellent position, with 1500 troops, including militia, a mile south of the Warren tavern, and three miles in rear of the left wing of the British army, whence, after being reinforced, it was his intention to march and attack the enemy's rear when they decamped.

He made every arrangement to prevent a surprise, but the British having received full intelligence of his movement, from traitors, and being faithfully piloted by them, contrived to attack him unawares, with superior numbers, and obliged him to retreat after an obstinate resistance—but his troops formed again at a small distance. This affair having caused some to attach blame to him, he demanded and obtained a court martial, by whom it was unanimously decided that he had done "every thing that could be expected from an active, brave and vigilant officer, under the orders which he then had;" and he was therefore acquitted "with the highest honor." At the battle of Germantown he evinced his wonted valor, leading his division into the thickest of the fight, and, in covering the retreat, he used every exertion which bravery and prudence could dictate. His horse was killed under him within a few yards of the enemy's front, and he received two slight wounds, in the foot and in the hand. During a large

portion of this campaign of 1777, owing to a combination of circumstances, he performed alone the duty of three general officers. About the middle of February, 1778, when the army was in winter quarters at Valley Forge, and suffering miserably from the want of provisions, he was detached with a body of troops to New Jersey, in order to secure the cattle on the eastern banks of the Delaware, and to destroy the forage which could not be removed, lest it should fall into the hands of the enemy. This was a most hazardous and arduous enterprize, within the limits of the enemy's lines, and in a district of country subject to his control whenever he chose to exert it—but he cheerfully proceeded to execute the orders of the commander-in-chief, and literally carried on a winter campaign beyond the reach of any aid. After several skirmishes with the enemy, in all of which he was successful, he succeeded in sending to camp several hundred head of fine cattle, many excellent horses, suited for cavalry service, and also in securing a quantity of forage, and destroying much more, for the whole of which, to the well affected, he executed certificates in due form. He returned to the army about the middle of March, and with his officers and soldiers, received the thanks of the commander-in-chief. In all councils of war, general Wayne was distinguished for supporting the most energetic and decisive measures. In that which was held before the battle of Monmouth, he and General Cadwalader were the only two of the seventeen general officers who were in favour of fighting. This engagement added to his reputation, his ardor and resolution having been so conspicuous that Washington mentioned him with particular distinction in his official report to Congress. In 1779, Washington having formed a corps of light infantry, composed of a select body of troops from the different regiments of the army, appointed general Wayne to its command. In July of this year, he was intrusted, by the commander in-chief, with the execution of a design which he had formed for attacking the strong post of Stoney Point, on the Hudson river.

For the details of his success in carrying the fort on the 15th of July, by a night assault, and making the garrison prisoners with bayonets alone, without firing a single gun, we must refer to the history of the times. In the attack, he was struck by a musket ball on the forehead, which grazed his skull nearly two inches in length, just under the hair. He fell, but instantly rose on one knee, exclaiming, "Forward, my brave fellows, forward!" then, in a suppressed voice, said to his aids, "Assist me: if mortally wounded, I will die in the fort." They did so, and the three entered amongst the foremost troops. The wound fortunately proved slight. The thanks of congress, and a gold medal emblematic of the action, were presented to Wayne for his "brave, prudent, and soldierly conduct." At the end of the year 1779, the corps of light infantry was dissolved; and soon afterwards general Wayne resumed his command in the Pennsylvania line. During the campaign of 1780, he was constantly actively employed, and, in that of 1781, which ended in the capture of Cornwallis and the British forces at Yorktown, he bore a conspicuous part.

He was sent by Washington to take command of the forces in Georgia, where the enemy were making formidable progress. After some sanguinary encounters, he accomplished the establishment of security and order, and was presented by the legislature of the state with a valuable farm for his services. Peace soon after followed, when he retired to private life. In 1789 he was a member of the Pennsylvania convention, and an advocate of a the present constitution of the United States. In 1792 he was appointed by Washington the successor of general St. Clair in the command of the army engaged against the Indians on the western frontier. It was at first supposed that his ardor would render him an unfit opponent of a foe remarkable for cau-



tion. He soon, however, proved the incorrectness of this idea. He established admirable discipline among his troops, and by his wise and prudent measures in preparing for an engagement, and the skill and bravery with which he fought and gained the battle of Aug. 20, 1794, near the river Miami of the Lakes, he brought the war to a completely successful termination. In 1795 he concluded a definitive treaty of peace with the Indians. General Wayne died in December, 1796.

#### BIOGRAPHY OF JOSEPH REED.

The history of a large portion of those illustrious men, who achieved our national independence, is almost entirely unknown; and some indeed whose heroic conduct and strenuous exertions in the cause of liberty, deserve a higher record than a mere passing notice from a newspaper. Among the most worthy of the band of patriots, one whose virtues are not sufficiently known, and whose name is seldom met with in any notice now taken of these perilous times, is Joseph Reed, of Pennsylvania. True his name is not connected with any glorious battle—he never led his fellow men on the deadly strife, but a want of courage could not be attributed to him. He possessed that true moral courage of a truly brave man, and where is there another, who could have made the reply of Joseph Reed—*“I am not worth purchasing; but such as I am the king of Great Britain is not rich enough to do it.”* Such was the language of Mr. Reed, to the tempting offers of the British government.

#### JOSEPH REED.

Joseph Reed, president of the state of Pennsylvania, was born in New Jersey, Aug. 26, 1741. In 1757, at the age of sixteen, he graduated at Princeton college. After studying law in that place, he repaired to England, where he prosecuted his studies until the disturbances in the colonies by the stamp act. On his return, he commenced the practice of his profession in Philadelphia, and met with distinguished success. He embarked actively in the political struggle of the day, on the side of independence, and in 1774, was appointed one of the committee of correspondence of Philadelphia. He was in the same year, also president of the first provincial convention held in Pennsylvania, and a delegate to the continental congress. On the formation of the army, he resigned a lucrative practice, and, at the solicitation of general Washington, repaired to the camp at Cambridge, where he was appointed aide-camp and secretary to the commander-in-chief. Throughout this campaign, though acting merely as a volunteer, he displayed great courage and military ability. In the beginning of 1776, he was made adjutant general, and contributed materially, by his local knowledge, to the success of the affairs at Trenton and Princeton. During the week which elapsed between the two actions, he proposed to six Philadelphia gentlemen, members of the city troop, to accompany him on an excursion to obtain information. They advanced into the vicinity of Princeton, where the enemy was stationed, and surprised twelve British dragoons in a farm-house, who surrendered to this party of half their number, and were conducted by them to the American camp. At the end of the year, he resigned the office of adjutant-general. In 1777, within a period of less than two months, he was appointed Chief Justice of Pennsylvania, and named by congress a brigadier general. He declined both offices, however, but continued to serve as a volunteer until the close of the campaign. He was present at almost every engagement in the northern and eastern section of the Union; and, although at each of the battles of Brandywine, White Marsh and Monmouth, he had a horse killed under him, he had the good fortune never to receive a wound. In 1778, he was elected a member of congress, and signed

the articles of confederation. About this time, the British commissioners, governor Johnstone, lord Carlisle and Mr. Eden, invested with power to treat concerning peace, arrived in America; the former of whom addressed private letters to Mr. Laurens, Mr. Dana, Mr. Morris and Mr. Reed, offering them various inducements to lend themselves to his views. He caused information to be secretly communicated to general Reed, that, if he would exert his abilities to promote a reconciliation, £10,000 sterling, and the most valuable office in the colonies, should be at his disposal. The answer of Reed was, “I am not worth purchasing; but such as I am, the king of Great Britain is not rich enough to do it.” In the same year, he was unanimously elected president of the supreme executive council of Pennsylvania, and continued in the office for the constitutional period of three years. At the time, there were violent parties in the state, and several serious commotions occurred, particularly a large armed insurrection in Philadelphia, which he suppressed, while he rescued a number of distinguished citizens from the imminent danger of their lives, at the risk of his own, for which he received a vote of thanks from the legislature of the state. The revolt of the Pennsylvania line, also, in 1781, was suppressed through his instrumentality; and he was deputed, with general Potter, by the council of the state, with ample powers to redress the grievances complained of. [For numerous documents in relation to this affair, see Reg. vol. 2—p. 137, &c.] To him, likewise, belongs the honor of having been the original detector and exposé of the character of Arnold, whom he brought to trial for mal practices while in command at Philadelphia, notwithstanding a violent opposition on the floor of congress, and the exertions of a powerful party in Pennsylvania. Amidst the most difficult and trying scenes, the administration of Mr. Reed exhibited the most disinterested zeal and the greatest firmness and energy. His knowledge of law was very useful in a new and unsettled government; so that, although he found it in no small weakness and confusion, he left it, at the expiration of his term of office, in 1781, in as much tranquility and stability as could be expected from the time and circumstances of the war. He then returned to his profession. In 1784, he again visited England, for the sake of his health; but his voyage was attended with but little good effect. On the 5th of March, in the following year, he died, in his forty-third year. In private life, he was accomplished in his manners, pure in his morals, fervent and faithful in his attachments.—*Enc. Amer.*

#### INTERESTING LAW OPINION.

##### CASES OF TRESPASS.

Several actions of trespass and damage, under \$100, have been brought by JONATHAN C. BALDWIN, of Chester county, against the Superintendent, Engineers and Contractors upon the Columbia and Philadelphia Railroad. As the Justices before whom these suits have been instituted, have invariably given judgment in favor of the plaintiff, for sums under five dollars and thirty-three cents, thereby depriving the defendants of the right of appeal, and omitting to set out on the face of the record, such facts in relation to the defence as will enable the court, (without the admission of affidavits) to decide upon the jurisdiction of the justice; it is probable that in some cases, those proceedings have originated from ignorance of the law, on the part of the justice. Feeling very desirous that the most perfect harmony and good feeling should exist between the Agents of the Commonwealth who have charge of this improvement, and the citizens of the country through which it passes, I wish merely to draw their attention to the act of assembly, passed the sixth day of April, 1830, pamphlet laws, page 220, Sect. 5, “And be it further enacted, &c. That in cases where injury or damage has



been, or may be done to private property, by reason of the Pennsylvania canal, or rail road passing through the same, OR BY THE TAKING OF ANY MATERIALS FOR SAID CANAL OR RAIL ROAD, it shall be the duty of the canal commissioners to ascertain as nearly as may be in their power, the amount of damage actually sustained, and to make an offer of such sum to the persons aggrieved, as they shall think reasonable: a record of which offer shall be made, and if the same should not be accepted; and the damages thereafter assessed in the manner provided for by this act should not amount to a larger sum than the one offered as aforesaid, the person, or persons in whose favour such damages may be assessed, shall pay all the costs attending such assessment, and a certified copy of the record of such offer as aforesaid, shall be evidence of the amount thereof."

From the foregoing section it is plain, that a justice of the peace has no jurisdiction in the cases referred to; and that the law was specially designed to shield the Agents of the Commonwealth from actions of trespass, as well as to protect the rights of the citizens, by directing their damages to be assessed by a more competent and impartial tribunal. In procuring materials for this rail road the agents of the State have felt great anxiety, that the least possible injury should be done, either to the property, or the feeling of the citizens of the country, that the nature of the case would permit, and in every instance, where a contrary course has been pursued by the contractors, it has been promptly checked, upon the first intimation of the fact.

These remarks have been made, with the hope of preventing, in future, those illegal and vexatious proceedings before justices of the peace. If this hope shall be realized, it will be a matter of gratification to the agents of the commonwealth, and I feel confident that it will eventually be so to the owners of property from whom materials are procured: but if, on the contrary, those persons who are deeply interested in the early completion of this great public work, and who have heretofore been clamorous upon that subject, shall continue to annoy and vexatiously retard its progress, I feel assured that a strict enforcement of the laws of the commonwealth, however unpleasant that resort may be, together with that respect which the Legislature must feel for their own enactments, will effectually eradicate the evil. Subjoined is the opinion of the Attorney General upon the cases referred to.

WM. B. MITCHELL,  
Supt. Col. & Phila. Rail Road.

HARRISBURG, Aug 24, 1833.

GEN. WM. B. MITCHELL, Superintendent, &c.

Dear Sir,—Your letter of the 22d instant, to His Excellency the Governor, having been referred to me, I respectfully advise the following course of proceeding, to remedy the grievances of which you complain.

It is my opinion, that a Justice of the Peace has no jurisdiction of a claim for damages, occasioned in the construction or obtaining materials for the construction of the Rail-road or Canal; and that in all such suits, no matter who may be the nominal defendants, *the Commonwealth is substantially the party sued*. No court in the State can entertain directly or indirectly, a suit against the Commonwealth, unless such suit has been previously authorised "by law." Before the jurisdiction can attach, her consent must be shown to the "manner," the "Court" and the "case."—*Const. Pa. Art. 9. S. 11*. The cases referred to, instead of being subject to the jurisdiction claiming cognizance, and to the manner of proceeding adopted, have been expressly submitted to a different tribunal, proceeding in a different manner—5th section, act of 6th April, 1830, pamphlet laws, page 220. The Justices of the Peace have no jurisdiction either over the *subject matter of the action* or the *party defendant*. Entertaining this opinion, I think on a Certiorari, the Court of Common Pleas

will hear affidavits to prove the facts *necessary to show excess of jurisdiction*, if they should not appear upon record, although in ordinary cases, where the jurisdiction is not disputed, the parties are generally confined to the record returned by the justice, vide 3 Yeates, 479, Ashmead's Rep. 52, ib. 217, 222, Wharton's Dig. 474-5 Bin. 29. 2 Dal. 77, 114. I therefore recommend that writs of Certiorari be taken out, and good Counsel be employed to attend to the proceedings.

It may be necessary to guard against a recurrence of the evils alleged. If the facts are as stated in your letter, the conduct of the magistrates entertaining jurisdiction is exceedingly injurious to the public interest, and evinces but little regard for the policy and as little respect for the sovereignty of the State. It is immaterial whether their conduct proceeds from hostility to a measure of public policy which the Legislature have adopted, or from an honest error of opinion. In either case the public interests seem to require the removal of those whose opinions are so greatly and dangerously at variance with the laws and established policy of the Commonwealth. An erroneous opinion in an ordinary case would be no cause of removal—but where the error affects extensively the whole community—thwarts the wishes of the people in their system of internal improvement and tends to obstruct the public agents in their endeavors to carry those wishes into execution, it is ample cause of removal by address. It will be proper for you, therefore, to make a detailed report of the facts in each case, either to the Governor or to the Canal Commissioners, that the whole subject may be laid officially before the representatives of the people.

Very respectfully, yours, &c.

ELLIS LEWIS.

REMINISCENCE.—The following account of the celebration, by the citizens of Pittsburg and vicinity, of the adoption of the Constitution of the United States, by Virginia, the ninth State, is taken from the Pittsburg Gazette, of 28th June, 1788. The speech of Mr. Brackenridge we omit for the present, but will probably find a place for it shortly.

"PITTSBURG, June 28.

On Friday last, the 20th instant, the news arrived at this place of the adoption of the new Constitution by Virginia, making the ninth state. On Saturday evening following, the inhabitants of this town and the adjacent country, to the number of about fifteen hundred, assembled on Grant's Hill, a beautiful rising mount to the east of the town, having the two rivers, the Allegheny and Monongahela, and their junction forming the Ohio, in prospect. Occupying the verge of the hill, they were addressed by Mr. Brackenridge.

"Three cheers were now given, and the hats thrown into the air. Nine piles of wood were then lighted, representing the nine states which had adopted the constitution. At intermediate distances, four piles were left unlighted, representing those which had not adopted it. Fire was kindled in them, but oppressed by green leaves and heavy boughs; in spite of all that could be done the pile of New Hampshire burst out, and gave a luminous splendor; that of Rhode Island not having sent delegates to the general convention, or called a convention of their own, had brimstone, tar, and feathers, thrown into it; yet still some boughs of wood that were at the bottom, caught the flame, purged off the noxious vapor and materials. That of New York and North Carolina at length took fire, and exceeded even the other piles. The whole thirteen now in one blaze began to burn. The youths of the village danced round them on the green; and the Indians who were present, the chiefs of several nations, on their way to the treaty at Muskingum, stood in amazement at the scene; concluded this to be the great council, seeing the thirteen fires kindled on the hill."



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOI. XII.—NO. 12. PHILADELPHIA, SEPTEMBER 21, 1833. NO. 299.

EULOGY ON CHARLES CARROLL OF CARROLLTON, BY JOHN SERGEANT, LL. D.

Eulogy on Charles Carroll of Carrollton; delivered at the request of the Select and Common Councils of the city of Philadelphia, December 31st, 1832, by John Sergeant, LL. D.

In the history of our Country, the most memorable epoch is that of the Declaration of Independence. The most illustrious assemblage of patriots, that which declared it. The act, favored by Providence, has become, as it were, immortal. Independence was established once and forever. The men, by whom it was achieved, have in succession obeyed the law of our nature, and we are now met to commemorate the event, which has finally closed the living record of that august body. The last of the signers has been united to the mighty dead. Long spared to receive the affectionate homage paid by a grateful nation to the single representative upon earth of the Congress of 1776, to witness the kindly and expanding influence of the institutions and principles which he had aided to establish, even to look upon three generations of his own immediate descendants, partaking with millions the blessings prepared for them by the toils and the dangers of himself and his cotemporaries, he too has become one of "the great majority" whom death always numbers on his side, and of him as of the rest, nothing now remains but the memory.

Thus has the Congress of 1776 again been united after a long separation. Among the dead as among the living, they are associated, in our views and feelings, by their common title to pre-eminent distinction for wisdom, for patriotism, and for heroic courage, and by their common claim to our gratitude and veneration, for their virtues and their services. If all have passed away, they have not done so, without leaving to us the possession of their pure fame to enrich us, their spirit to instruct, and their example to guide us. Cherishing their fame, and resolving to preserve it unimpaired, counselling sincerely with their spirit and obeying its counsels, and truly following their bright example, we may hope, with the blessing of Heaven, to perpetuate the good work which they have handed down to us, and to continue long to enjoy its advantages.

At such a moment, it is natural to look back. The occasion invites us to re-assemble the fathers of our nation, to place them again to the eye of contemplation, in the Hall of Independence, to dwell upon their character and conduct, and to consider with deep and earnest attention, who were the men and what were the means employed, to lay the foundations of a great republic. Hitherto, they have been among us. Not all of them. Of the fifty-six distinguished patriots, whose names are ineffaceably inscribed upon the monument they constructed, two were summoned from time to eternity before a year had elapsed. Forty-seven survived the struggle of war with the parent state, and lived to witness the final consummation of their wishes, by an acknowledgment in the treaty with England, of what her arms were unable longer to dispute. Forty-three remained when the present Constitution was presented by the Convention to the people of the United States for their adoption. Forty were still here to shed the light of their experience, and the influence of their

spirit, upon the first movements of the government, when that Constitution went into operation. From these, as the years rolled on, the sure arrow continued to select its object. But not with eager haste. At the end of fifty years, three of the venerable band were still among the living. On the fiftieth anniversary, in the midst of the jubilee, when the nation with one voice was commemorating the day of the great national act which had made us independent, two of them gently sunk to rest, and their spirits departed while the hearts and the voices of their countrymen were swelling with gratitude to them and their associates for the blessings secured by their services and their toils. One only remained—the venerable Carroll. Fifty-six years were accomplished, and he too was removed, the last of the fifty-six who, in the sight of man and of Heaven, had solemnly pledged "their lives, and fortunes, and their sacred honor," to abide the issue of their country's fortunes.

And who were these men? What was the pledge they thus solemnly offered, and so nobly redeemed? What were "their lives, and fortunes, and their sacred honor," which they staked in the cause of human freedom and of human rights? What was that assemblage of patriots, who in proclaiming their determination to be free, proclaimed at the same time the great principles which are every where acknowledged to have the irresistible power of truth? How did it happen that the youngest nation of the earth became the teacher of the world; that the true light of political philosophy broke forth from a region where the forest was not cleared, and the footstep of civilized man seemed scarcely to have made a sensible impression? Where dwelt that informed and assured spirit, which, leading an infant nation, never hesitated and yet never erred—which in the face of difficulty and danger, through a new and untried path, always advanced, yet never missed its course; which by intrepid perseverance, accomplished its glorious purpose so fully, so wisely, and so well, that its friends had nothing to desire, and its enemies nothing to censure?

It was much to declare independence—it was more to achieve it, in so unequal a contest—still more was it, by a display of wisdom and firmness, never surpassed, to fix the attention of the world, to challenge its admiration and command its respect, not only for the justice of our cause, but for the ability and virtue with which it was sustained—to exhibit popular representative government at the outset, in its best form, and to give to mankind at once an example and an assurance of its capacity to fulfil all the just purposes for which government was designed among men.

In the sight of other nations, the glory of that illustrious Congress is sufficiently established by its public acts, already consecrated in the page of history. For us, who, as their countrymen, are not only the heirs of their glory, but bound by every obligation to them, to ourselves, and to our children, to preserve it in all its lustre, and especially to maintain in purity and power, the institutions of free government they established for us, it may not be unprofitable to look carefully and closely into whatever belongs to its composition and character, in order that no circumstance, however minute, may escape our notice. The present is a fit oc-



casion for some attempt to such an examination, and I am persuaded, that even if it should be found to be fruitless of instruction, it will certainly not have the effect of lessening our habitual respect for those whom we rightly consider the fathers of our country.

The common characteristic of the Congress of 1776 is pure public virtue—the striking feature of its measures is mature wisdom. Upon the foundation of virtue and wisdom thus happily united, they built up the edifice of their own enduring fame, by achieving for their country what in all succeeding ages will continue to engage the unequalled respect and admiration of mankind. Passing in a moment from a state of colonial dependence into the new condition of an independent nation—making this transition, too, in the midst of a sanguinary and unequal struggle already begun, and at the certain hazard of a war of undefined duration, brought to their very doors, and threatening to deal with them, not as fair combatants, but as traitors and as rebels, it is amazing, indeed, and argues a depth of intellectual and moral energy of which history has furnished no parallel, that at such a time, they should not only have been fully equal to all the pressing exigencies of the crisis, but even more than this, that they should have been able to make an accurate survey of the condition of their country, to look forward to its future destinies, to combine it into one great republic, and at the instant when they firmly but solemnly declared they had “counted the cost,” should have announced those great principles of free government which were to enter into all our constitutions. To call this heroic, would be to associate it in our imaginations with the fabulous achievements of a remote antiquity, and thus to disfigure and degrade it. To compare it with what the great lawgivers of antiquity have done, would be entirely inadequate. To confound it with what accident has produced at other periods, and in other quarters of the world, would be to sink it far below its proper level for foresight and deliberate conclusion. Whatever there is that is worthy of praise in the heroes of fable or of history, whatever there is that commands our approbation in the works of lawgivers, whatever of good there is that patriotism has been able to accomplish,—all these combined, and purified by the spirit of philanthropy, and governed by consummate skill, and sustained by unconquerable fortitude, make up the true portrait of that august assembly.

The honor we derive from these our ancestors, who carried our country triumphantly through the perilous trials of the war of independence, and established for us the principles of free government, which are now pervading the world, consists not simply in the reflection upon us of the lustre of their wisdom and their virtue, glorious and inestimable as it is. There is much more for us to rejoice in—much more to convey to us a deep and salutary lesson. That Congress was a popular representative body, freely chosen by the people of the thirteen colonies, and sustained by that people in its decisions and its acts. At the first meeting in Carpenter's Hall, on the 5th September, 1774, eleven of what in the Journal are denominated “the several colonies and provinces in North America” were represented. On the 4th July 1776, the whole thirteen were present by their delegates. The selection of such a Congress is a manifest proof of wisdom and virtue in the people; and the spirit and the energy with which they sustained the measures of Congress under all the trials and sufferings of a protracted and cruel war, established forever, that they too understood and appreciated their object, and were one and all resolved to accomplish it, or to perish in the attempt. The representative body was in this respect the image of their constituents. They were selected for their worth, and that worth was made up of a heart entirely devoted to the common purpose, and of a mind so instructed as to be capable of executing it.

Of the composition and character of such a body, its acts may be considered in general as a sufficient expo-

nent. It is perhaps enough for history. But *we* may be excused, if with the affectionate veneration of children, proud of the inheritance of a parent's fame, anxiously desirous to exhibit and to preserve it in all its lustre, and to transmit it in the clearest light to our descendants, we dwell for a moment upon the particulars of the title, convinced as we are, that the closest scrutiny will only more distinctly reveal its strength. Nor is this all. We may deduce from the inquiry lessons of instruction peculiarly appropriate at the present moment.

But where shall we begin? How shall we enter upon the analysis which filial piety would thus invite us to institute, or how shall we conduct it? The occasion necessarily limits us to a few particulars, but those it is hoped will be sufficient at once to gratify and to instruct us.

It is natural to begin then with the places of their birth. A few words will suffice. Of the fifty six members who signed the Declaration of Independence, ten were natives of Massachusetts—nine of Virginia—five of Pennsylvania—five of Maryland—four of New Jersey—four of Connecticut—four of South Carolina—three of New York—two of Rhode Island—and two of Delaware—making altogether forty-eight, who were born in the colonies. Of the rest, two were natives of England—two of Ireland—two of Scotland—and one of Wales. Of the remaining one I have not met with an account which enables me to speak.

We are anxious next to know something of their age. Were they in the ardor of youth, when zeal is apt to outrun discretion, and a romantic spirit prompts to undertakings of danger, from the mere love of adventure or the influence of a heated imagination? Nothing could be more distant from the truth. There sat the venerable Franklin, in his seventieth year, and Hopkins within a few months of the same age, grasping the pen to assert their country's independence with a heart as resolute and a countenance as firm as Rutledge or Lynch, the most youthful of the body. Samuel Adams, too, and John Hancock, excepted in the offers of mercy held out by the crown, as the unpardonable ringleaders in rebellion, were not so young as to be unable to count the cost, or to be hurried into danger from want of reflection. The one was fifty-four, the other was about forty. John Adams was forty, and Thomas Jefferson was thirty-three. There were in the whole convention but two who were under thirty, Rutledge and Lynch, of South Carolina. They were twenty-seven. To sum it all up in a single word, which conveys at once a distinct conception of the finest combination of deliberate gravity and manly resolution, the average age of the whole assembly was about forty five.

Nor were they men tossed up in the whirl of a revolution, distinguished chiefly by revolutionary audacity, and that audacity itself owing to the knowledge that they had nothing at stake, and nothing to lose. Among them were many who had all that as individuals, they could desire, and little to hope, for themselves, from a change. Indeed I doubt not that the observation might be applied universally. John Hancock, signalized, we have seen, as an unpardonable rebel, and the first of the signers, was in the enjoyment of the largest estate in Massachusetts. Charles Carroll of Carrollton was the heir of perhaps the richest man in Maryland. Heyward, Middleton, Lynch, Floyd, Nelson, and many more, were gentlemen of independent fortunes, to which they had been born. Others, by their talents and their industry had gained a commanding position in society; and in their private condition, might be considered among the happiest of men. Would you desire to know in what proportion the different professions and pursuits of life contributed from their numbers to form this Congress? It is not easy to ascertain it with precision. Of a part, however, an account can be given. There were sixteen lawyers—nine merchants—five physicians—five planters—three farmers—and one divine. Of the remaining



seventeen, no single word will characterize them. What, for example, should we denominate the venerable Franklin? Even at the period we are treating of, with the snow of seventy winters on his head, and a reputation which extended all over Europe, his triumphant career was not ended, nor the versatility of his mighty powers fully developed. He was yet to conduct the most important and delicate foreign negotiations of his country, and to sit down at table with kings, honoring them by his presence more than they could honor him. We must call him Franklin—a name that requires no addition, but is itself an epitome of the achievements of sagacious wisdom, applied in almost all the departments of human life, and from their variety become familiar to every class of men.

There is one point still to be adverted to in relation to this distinguished assemblage. It may be stated in a very few words. The greater part of those who composed it had been liberally educated. Of the fifty-six members, eighteen were graduates of colleges in this country. Three were graduates of the University of Cambridge in England—and one of the University of Edinburgh. Seven had received their education at other public seminaries. Fourteen had been instructed in liberal learning by private tutors or intelligent parents. Eight had received some elementary education, and of three the early history has not been learned. But nature was not entirely without her witnesses upon this eventful occasion. Two there were, who were literally self-taught—who had never received the least instruction from others, and, yet, overcoming the difficulties of their early condition, had accomplished themselves in knowledge by their own unaided exertions—become distinguished in a learned profession, and qualified for association with the selected wisdom of the country. These were Sherman and Walton, one of whom was originally a shoemaker, and the other a carpenter.

In the whole number there was not a single titled personage, nor one who in the established language of Europe would have been called a statesman. Perhaps there were few, if any, who, according to the settled arrangements of European etiquette, could then have been received at court. Several there were, such as Hancock, Carroll, and others, who had visited foreign countries, and enjoyed the opportunity of observing society in its different forms. One too had occupied a sort of semi-diplomatic station, as agent in England of several of the colonies, and even in that humble character had found occasion to manifest and to exercise his transcendent abilities, and with keen and penetrating glance to discern and seize upon the occasions for serving his country. When Franklin stood before the collected wisdom of the British House of Commons, as a witness, he exhibited a wisdom above them all. When he stood alone, in the midst of enemies before the Privy Council, he was as unmoved by the deliberate and pitiful sarcasm of Wedderburn, as when he drew down the lightning from the clouds—in both instances, with an intrepidity equal to his deep sagacity, coolly gathering instruction from the raging tempest, which seemed to be bursting upon his head. Vain, indeed, was the expectation, that he, who had invited a personal communication with the forked thunderbolt in its greatest fury, should be intimidated by the tongue of man, or disturbed in his purpose by impotent abuse, though studiously envenomed with all the poison that could be extracted from the stores of classical vituperation.

If from the period on which our eye has been fixed, we follow the members of that illustrious Congress through their subsequent lives—see them in arduous foreign employment, managing the most intricate negotiations with the trained and experienced statesmen and diplomats of Europe—in high and responsible stations at home, speaking the language and maintaining the rights of their country, or perfecting the institutions of her freedom—or in subordinate offices, administering and

executing the laws—nay, if we look even to their individual labors and occupations—we shall then be prepared to admit, that in all which constitutes the real worth of man—in the gifts of nature—in the advantages of education and culture—even in the lighter acquirements which give currency in society—as men, as patriots, and as gentlemen, it is but the simple truth to say, that, as a body, the Congress of 1776 never was equalled.

Besides this, however, there was an instruction they had received, without which, all else might perhaps have been of little avail. These colonies had, in substance, been free representative republics from the beginning—subject in name to the dominion of Great Britain, but actually managing their most important concerns by their own assemblies, with little interference on the part of the parent state. They had constantly present to their view the image of republican government. Republicanism was thus become habitual, a part of the nature of the inhabitants of the colonies—an inbred feeling, which was always prompt to assert the rights of the colonists, and to resist every attempt at encroachment or oppression in whatever form it presented itself. From the first effort of Great Britain to exercise an unwarranted authority over these colonies in the year 1765, the nature of their rights and the limits of the just authority of the parent state, had been the subject of continual and earnest discussion, in the course of which, under the quickening influence of a deep and powerful feeling, the minds of men became rapidly enlightened as to the true state of the question, and along with the lingering doubt of their ability to sustain a contest, and a full sense of the horrors of war brought to their doors, there could still be discerned, in every quarter of the country, a fixed determination, at every hazard, to assert and to maintain their freedom. It was this spirit which the members of the first Congress carried with them to the place of assemblage—it was this spirit which presided over their councils—and it was this same spirit which, when memorial and remonstrance had been exhausted, solemnly declared from the Hall of Independence, that the colonial condition was ended—that in its place a nation had come into existence, ready to follow the example of the patriots who had bled at Lexington and at Bunker's Hill, and, feeble, inexperienced, undisciplined, and unprovided as it was, to maintain the justice of its cause, and relying upon the favor of Heaven, to meet in hostile combat the gigantic power and veteran arms of England. From that day, this nation dates its existence. The Declaration of Independence is the authentic registry of its birth.

This common and pervading love of freedom—this deep-rooted determination to submit to no encroachment upon their rights, this universal and clear perception of the consequences of submitting to an attempt on the part of Great Britain to usurp the province of their own immediate representatives, this it was, with the natural and unavoidable conclusion that in Union alone there was strength and safety, which caused the colonies first to meet in Congress, by delegates charged with their authority and instructions. These delegates first met at Philadelphia, on the 5th September, 1774, when, as has already been stated, eleven of what are called in the Journal, "the several colonies and provinces in North America," assembled at the Carpenter's Hall. It is not necessary now to occupy your time with an inquiry when or where, or how, the idea of independence and a separate existence first began, or by what means it finally obtained the sanction of the 4th July 1776. The history of this momentous period of our country enables us to discover two leading truths, of far greater importance in the present times. Freedom was the end and object of our forefathers, and independence was the mean to attain it, when every thing else had failed. This is the first of these truths. "Nor have we been wanting," says the Declaration of Independence, "in attention to our British brethren. We have warned them from time to time, of attempts by their Legislature to



extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we do the rest of mankind, "enemies in war, in peace friends." The other is not less obvious nor less entitled to our deep and solemn attention. As independence was necessary to freedom, so was union necessary to independence. Independence was not declared till a thorough union was established. As long as the Congress was composed only of the representatives of Colonies, continuing to acknowledge their dependence, and humbly petitioning for a redress of grievances; as long as redress was looked for, with any hope of obtaining it; as long as any intention remained of returning to their allegiance, if their grievances were redressed; so long was the union of their counsels but temporary, to cease when the occasion for it should no longer exist. But when the patriotic sages, intrusted with the care of their country's freedom, began to perceive "the necessity which denounced a separation," they felt that the *union* must be drawn closer, and be made *perpetual*—till that was effected, independence could not be asserted, nor freedom secured. They saw distinctly that union was as necessary to independence, as independence was to freedom; and in their enlightened view they were but one. They did not, therefore, declare independence till they were ready also to announce an union, and when they proclaimed the existence of the nation, they proclaimed it with inseparable and indissoluble attributes of union, independence, and freedom.

Up to the date of the Declaration of Independence, the members of Congress, as we have seen, were the representatives of Colonies and not of States. Till then, no states existed. In that instrument, they style themselves, for the first time, the Representatives of the United States of America in Congress assembled, and they declare that these "United Colonies are and of right ought to be free and independent states." From this it is evident, as would naturally be supposed, that the union of the colonies actually preceded the Declaration of Independence, and the existence of States, and is in truth the oldest of our rights. It was the Union that created the states, and not the states that created the Union. It is the Union too, be it ever remembered, that was as much wrested from England, by force of arms, as Independence itself.

Union, Independence, and Freedom, are what that illustrious body of sages and patriots established for us, as the lasting pillars of our happiness. Union first, and then Independence. It no more entered into their minds to conceive that the one would cease, than the other. For both they toiled and suffered. For both our fathers fought and bled, and both they have delivered to us, as the common right of every free citizen of the United States, which no power on earth can justly require him to part with or surrender. Union, as well as Independence and Freedom, is the birth-right of every child born in these United States. He is born to the inheritance of a nation's glory, to the enjoyment of a nation's protection and power, to the high privilege of a nation's name, to something to love and to honour, to a country upon which he can proudly fix his affections, in whose prosperity he can rejoice, towards which he can direct his eye when abroad, and to whose avenging power he can appeal when menaced with insult or danger.

The favour of Heaven—signal as it has been, and claiming at all times our most devout gratitude—has been in nothing more manifest than in producing this Union. The wisdom and patriotism of the first Con-

gress were above all conspicuous in the means they employed to cherish, to strengthen, and consolidate, what the hand of Providence had offered to their acceptance. From the moment of their first assembling, it was the dearest object of their concern and care; and when, having indissolubly bound it together, they pledged "their lives and fortunes and their sacred honour," they did so in the name of one united people, who were henceforth to take their equal rank among the nations of the earth. "When," says that cherished instrument, "in the course of human events, it becomes necessary for *one people* to dissolve the political bands which have connected them with another, and to assume among the nations of the earth the separate and equal station to which the laws of nature and of nature's God entitle them." And again, it says, "appealing to the Supreme Judge of the world for the rectitude of our intentions, we do, in the name and by the authority of *the good people of these Colonies*, solemnly publish and declare,"—thus in every emphatic passage, when it addresses mankind, and when it invokes the aid and favour of Heaven—in its resolutions, its appeals, its prayers, speaking with the tongue, and breathing the devout aspirations of *one people*, and that *one*, the people of all these colonies.

From that time forward, from the great epoch of the 4th of July, 1776, we have been *one people*, and blessed be the great Dispenser of human events, we are still *one people*. The articles of confederation, which followed not very long after the Declaration of Independence, are in the same spirit. They are styled in the preamble "Articles of Confederacy and PERPETUAL UNION." And to establish at once, for every individual, the sure ground of national character, and of right throughout the Union, they declare that "the free inhabitants of each of these States shall be entitled to all privileges and immunities of free citizens in the several States."

If more were wanting to illustrate the wisdom and patriotism of that matchless representative body, and to endear their memory to our hearts, we should find it in the fruits of their labours. Scarcely had the announcement gone forth, till this Union was formally received into the family of nations, and treaties formed with one of the oldest powers of the world—treaties, be it remembered, perpetual in their terms and obligations, and such as a perpetual Union could alone enter into. Union gave to our country consideration and respect abroad, and entitled her to take her place among the nations. Listen to the language of Congress, when presenting the articles of "confederation and perpetual union," in their circular, dated "Yorktown, November 17th, 1777." "Let them be examined with a liberality becoming brethren and fellow citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being *for ever bound and connected together* by ties the most intimate and indissoluble; and finally, let them be adjusted with the temper and magnanimity of wise and patriotic legislators, who, while they are concerned for the prosperity of their own more immediate circle, are capable of rising superior to local attachments, when they may be incompatible with the safety, happiness, and glory of the general confederacy." \* \* \*

"More than any other consideration it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add weight and respect to our councils at home, and to our treaties abroad." \* \* \* "It seems essential to our *very existence as a free people*, and without it, we may soon be constrained to bid adieu to independence, to liberty, and safety—blessings, which, from the justice of our cause, and the favour of our Almighty Creator, visibly manifested in our protection, we have reason to expect, if, in an humble dependence upon his divine providence, we strenuously exert the means which are placed in our power."



Union emboldened our countrymen to enter upon the hazardous conflict. Union enabled them to carry it triumphantly through. When Washington left the hall of Congress in June, 1775, unanimously elected to command the armies of our country, he carried with him a commission from "the delegates of the *United Colonies*." "Supported," to use his own words, "by a confidence in the rectitude of our cause, the support of the *supreme power of the Union*, and the patronage of Heaven," he drew his sword in the name and the services of the Union; and when, having accomplished the glorious purpose for which he had taken the field, he restored that sword to its scabbard, he returned his commission, in December, 1783, to the representatives of the sovereignty of the *Union*—to "the United States in Congress assembled," then acknowledged by the whole world to be a sovereign and independent nation.

When, in the process of time, the articles of confederation were found to be insufficient, and especially when it was seen that they did not adequately secure the Union, the people of the United States, in the same spirit which from their first existence as a people had governed and guided their feelings and their councils, framed the present Constitution of the United States, declaring its first object to be "to form a more perfect Union."

In Union, we have found safety, prosperity, and honor. With it, we have enjoyed the fullest measure of the blessings of independence and freedom. By it, we are the heirs of the fame of our ancestors, which equally enriches us all, and partake of the common glory of being the countrymen of those who have earned unfading renown. Union is connected with every eventful period in our history—it is inscribed upon every glorious achievement in our annals—it is the very condition of our existence as a nation—it is the condition upon which we hold whatever we venerate in the past, whatever we enjoy in the present, and whatever we hope in the future for ourselves and our children. *Union is our country*. We have never known another. Without it—the vision of patriotism cannot endure the contemplation of such a scene, but turns from it with dismay and horror—without it, we may have a spot to live upon, a place to breathe in, comforts perhaps even greater than we deserve—but we cannot have that country which has been the object of our affections and respect—that glorious country, which our fathers redeemed from bondage and raised up to be the admiration of the world—that country by which we are associated with the heroes and sages of the Revolution, and are enabled to say, that we are the countrymen of Washington and Franklin—that country, which makes us partakers of the favours and blessings vouchsafed to her in such rich abundance, by a gracious Providence, in all the times that are past. We may have another—but never, never, never, such an one as God in his goodness has given us in the day of our fathers.

That such a representative body was assembled as the one our thoughts have been directed to, must be ascribed to the character of the people by whom they were selected. Wisdom and virtue in the representative, where the choice is free, are an argument of wisdom and virtue in those by whom he is chosen. Nor is this all. As the measures which in succession were adopted by Congress, derived their support from the people, and that support was cheerfully granted, at whatever cost, it cannot be but that the same sentiments which governed the proceedings of the public councils, reigned also in the hearts of the people, and reigned with undivided sway. Happy, indeed, must they be esteemed, whose fortunate lot it is to act in times when one great overruling purpose governs all desires, and that one purpose such as justice and patriotism can warmly espouse. Happier still are they who are enabled to accomplish what justice and patriotism command them to undertake. Happiest of all, when this suc-

cessful purpose, looking beyond the generation which effects it, seems to find its chief inducement in the accumulation of blessings for future ages. The way of the patriot then though it may be rugged and toilsome, and surrounded with many dangers, is cheerful and onward. Animated by the encouraging countenance and support of his countrymen, he has also the approbation of his own conscience, and can appeal with confidence to the protection and favour of Heaven. And when his labours are ended, he retires with the feelings of satisfaction which belong to one who has been a benefactor of mankind, and with the soothing hope—it cannot be called an infirmity—that his memory will be cherished with kindness by a grateful posterity, and his example be a guide to the footsteps of those who may come after him to take charge of the destinies of his country.

The history of the blessings dispensed to our country and to the first Congress, is not yet complete. It seems, indeed, as if that era in our annals had been permitted by a gracious Providence to be crowned with every distinction that could command admiration and respect, or endear its memory to the ages that were to come. In other revolutions, of any continuance, it has been remarked, that those who began the work have generally fallen victims to the fury of the storm they had been instrumental in raising. Even when they have escaped with their lives, they have generally lost their popularity and their power, and often have been doomed not only to suffer degradation themselves, but to witness also the destruction of the hopes they had conceived for the cause which incited them to action. We are not surprised at this. When we consider the nature of man and his passions—the nature of faction, its headlong rage, and its mad inconstancy—how, when the public feeling is highly wrought, fits of blind confidence are rapidly succeeded by fits of equally blind hatred and suspicion—how, in moments of disappointment, vengeance seeks for objects upon which to indulge itself—how, in the midst of excitement, irregular ambition, with the mask of patriotism, is prowling about to take advantage of men's weakness, and lurking treason watches its occasions to inflict a wound—how too, the hand becomes familiar with the sword, and how the sword, wielded by a strong arm, is apt to make itself the arbiter, and with one confounded blow, under pretence of terminating the reign of disorder, to crush the hopes of freedom by silencing its advocates—when we consider these things, and consider too that the struggle for our independence lasted nearly ten years—language is too feeble to express the emotions we feel of astonishment, and gratitude, and virtuous exultation, when we find that the patriots who began the revolution were those who carried it through. Some of them, as we have seen, died before its termination. But, not one of them perished in any strife with his countrymen—not one of them lost the confidence of his country, nor did one ever desert her interests, or even incur the suspicion of want of zeal in her service. Of all indeed, who were intrusted in any department, there was but one who proved a traitor. With that solitary exception of a miserable profligate, whose name has become synonymous with infamy, and unworthy to be mentioned, all, who were living, lived with honour. All who were dead, slept in honoured graves. One radiant light shone upon them all, when the voices, which in the beginning had joined in supplication for aid and favour in the hour of trial, ascended together, at the end, in praises and thanksgiving to Him who had given the victory.

Still the aggregate of their felicity is not fully disclosed. Something remains yet to be said, to exhibit the full measure of the reward of their patriotic wisdom and constancy. Many of them were permitted to live, as it were, with their posterity—to enter with them into the enjoyment of the fruits of their toils—to witness the growth of their country, and the expanding



influence of her free institutions—and to receive the unaffected homage of the increasing millions made happy by their patriotic labours. How they were honoured, I need not tell you. How they were confided in, you well know. Of the members of that Congress, six were members of the convention which formed the present Constitution of the United States. Two were Presidents of the United States. One was Vice President, and many others were appointed to stations of the highest trust and confidence. Their country never grew weary of exhibiting her grateful sense of their services and their virtues.

Shall we here conclude this slight and imperfect sketch of the extraordinary happiness, which was the reward of these illustrious men? One yet remains, greater than all the rest. They lived in the faith, and they were permitted to die in the persuasion, that whatever other chastisement might befall their beloved country, she was not doomed to suffer the affliction of disunion. The father of his country, in the inestimable legacy of advice and instruction, he bequeathed to us when he took leave of public employment, dwelt with parental solicitude upon the vital topic of union. He warned us that it would be assailed "by internal and external enemies, constantly and actively, though often *covertly* and insidiously." And while he warned, he exhorted us "to frown indignantly upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties that now link together its various parts." He could not but feel assured that such advice would be obeyed, and that one indignant and withering frown would settle on him, who openly and directly, or "*covertly* and *insidiously*," under whatever name or pretext, should aim a dagger at the heart of his country, by seeking to destroy or to "enfeeble" the Union. Adams and Jefferson, though they lived to the end of the fiftieth year, breathed their last breath among a people firmly united, and rejoicing in their union. And Carroll—he who outlived them all—was he in this respect less happy than the rest? Was his aged heart disturbed by the fear that the exhortation of Washington might prove to be unavailing? Was the dim sight of the venerable survivor afflicted with visions of ruin to his country—his ear invaded with strange words, of spurious coinage, and of evil augury, unknown to the vocabulary of the patriots and sages of the Revolution? Believe it not. The last pulsation of the heart had in it a remnant of the vigour of the Congress of 1776. That eye had been accustomed to look through gloom and darkness, and see beyond, a glorious light. That ear had heard the threats of confiscation and the halter, and did not heed them. Standing upon the rock of the Union, with Washington, and Franklin, and Hancock, and Adams, and Jefferson, and their illustrious associates, he had braved the power of the British empire in arms against his infant country, and in the Union had found safety and triumph. The storm had raged around them, but the rock was immovable. Could such a man be suddenly persuaded, that madness had overtaken one portion of his countrymen; and degenerate fear another? I say again, believe it not. Let us be assured, that he too was permitted to depart with the unshaken and firm conviction, that there was still enough of the spirit of the Revolution to preserve its work.

In this imperfect and hasty glance at the composition, character, and services of the illustrious band, who stood forward as the representatives of the Union, to assert, and at every hazard to maintain the independence of our country, it will at once be perceived, that little more has been attempted than to point to the sources of information, and to invite to a more thorough examination of them. It is well for us to dwell, and to dwell frequently and earnestly, upon all that belongs to that period—to study it, to fill our minds and our hearts with it, not as a theme of discourse and panegyric merely, but as a living principle of action, a deep and fixed in-

struction, something entering into our very organization, and made a part of our nature, so as to determine instinctively all our conduct in relation to our country. Nothing else will secure to us the continuance of the blessings we enjoy. Without it, the forms of free government may be but a dead letter. Look at our nearest neighbor, a nation, which, like our own, has passed from a colonial state to independence, and framed for herself a constitution as nearly as possible resembling that under which we are in the possession of peace and freedom. Can you discern in her present condition any thing which deserves to be called the working of a free constitution? At this very moment, the question of who shall wield the power of the State, is depending not upon the result of an election by the citizens, but upon the issue of battles between contending armies. The sword, instead of the ballot box, is again to decide the controversy, as it has done twice within the last five years.

How different has been the lot of that happy country which we are permitted to call our own. The sword has never been drawn in it, but against a common, public enemy. Wherever our arms were seen, the flag of the Union floated over them, and was the sign in which all conquered. In every victory that has been gained, all could rejoice, for it has never been a victory over our countrymen. We have differed about men, and we have differed about measures, but always in a spirit of submission to the Constitution, and of attachment to the Union. And when, according to the fundamental law of free government, the will of a majority has been constitutionally declared, as to men or as to measures, we have peacefully acquiesced. The voice of every one is heard, but the voice of the majority must govern. This is the great pervading vital principle of our constitutions. Whatever may be the distribution of powers, however they may be modified in their investment or exercise, from one great source, they are all derived—from a majority of the people. That such a government, so simple in its structure, so clear in its purpose, should be found adequate to all the legitimate objects for which government is instituted among men, who can doubt? Look around upon this land—trace its progress from the moment when it shook off the trammels of colonial subjection, and started in the career of independent national existence—what has the world ever seen that can be compared to it? What does the world now contain that bears any resemblance to it? The eyes of mankind are fixed upon us with earnest attention, watching the great experiment. Will it succeed? For more than fifty years it has succeeded. It has outlived the longest lives of those who united to establish it. They are now *all* in their graves. Their work still survives them—the same which they created, and bearing the same impress as in the beginning, *Union, Independence, Freedom*. Why shall it not stand? We are stronger than they were in numbers and in wealth. Are we weaker in wisdom and in virtue? Are we less able to appreciate the blessings provided for us, less willing to make the exertions necessary for preserving them? A doubt implies degeneracy. It supposes a want of enlightened patriotism—an unaccountable blindness to our own true interests—an incredible indifference to the happiness of those who are to come after us—an unheard of insensibility to the great trust committed to our keeping. For sure it is, that if ever this glorious fabric should fall to ruins—which may Heaven in its mercy forbid—it must be because there is not wisdom and virtue enough to support it. The age in which it perishes, will be the opposite of that in which it was constructed; and as the one has earned undying fame, the other will merit universal execration.

From thoughts like these, let us endeavour to find consolation and assurance in the careful and constant study of the past—applying our hearts to extract from it lessons that may keep alive our vigilance, and in ex-



agency remind us of our duty. Our greatest danger may perhaps be found to lie in what would seem to be our chief happiness. Our ancestors had to struggle with adversity. We are to guard against the seductions of prosperity, an enemy not less to be dreaded. It binds and lulls us with a false security, and thus enfeebles and unnerves us, until, at last, nothing is desired but ease. It is not in the order of Providence that blessings should be secured or preserved, without exertion and watchfulness. The moment when they are most likely to be lost, is that in which, with a slumbering and imperfect sense of their value, there is an utter want of all sense of their exposure to risk. Perhaps it may be a new mercy to our country, if occasionally we should be aroused by some alarm, requiring us to examine more carefully into our condition, to cling more closely to the spirit of the institutions which are the foundation of our happiness, and to endeavour to inspire our hearts with that true and active and enlightened patriotism, which shed its benignant influence over the early history of our nation. If such a period be now come, who can deny that it is accompanied with the most affecting and impressive circumstances? The cloud seems to be gathering directly over the grave of the last of the signers, as if it had waited till death had closed his eyes, leaving the past all bright and radiant, and over the future, stretching a curtain of darkness.

It would ill befit the present occasion to inquire how this sudden change has been wrought. We are assembled for other purposes. We are here to commune with the illustrious dead, whose names are associated with the bright period of our history, and especially to commemorate that one of them who was permitted to outlive the rest, and, as the survivor, for years beyond the ordinary period of man's life, to enjoy the undivided reverence and affections of a grateful country.

Of the men who have acted a distinguished part in public affairs, no one can be selected, who, looking only to his personal condition, would seem to have had less motive for desiring a change, than Charles Carroll of Carrollton. He was born at Annapolis, in Maryland, on the 20th September, 1737. His grandfather, an Irishman by birth, came to this country in 1691. His father was a man of great wealth, and Charles Carroll of Carrollton was born to an inheritance, which might well be called princely. His education was luxurious, if such a term can ever be applied to what is bestowed in the culture and discipline of the mind or the formation of character—it is meant however only to denote, that the judicious affection of his father, provided for him every advantage which seemed to be proper for enabling him to enter upon life as became the position he was to occupy. At a very early age he was sent to Europe. There he was placed in a college of English Jesuits at St. Omers. After remaining in that institution for six years, he was placed in a College at Rheims. Thence, in about a year, he was sent to the college of Louis Le Grand. From Louis Le Grand, at the expiration of two years, he went to Bourges to study the civil law, and after remaining there for one year, returned to Paris, where he remained till 1757. In that year he went to London, and commenced the study of law in the Temple. In 1764, he returned to his native country, at the age of twenty-seven.

Soon after this period, the questions between the colonies and the mother country began to be agitated. The pen of Carroll was among the first that were actively and successfully engaged on the side of the colonies. After the stamp act was repealed, there was a moment of seeming calm. But even then it was easy to perceive, that the spirit which had been raised, was by no means quieted. There was a watchful jealousy awakened, and though the great point which had first roused it into action was withdrawn, yet it manifested itself continually, upon every occasion when the liberty or rights of the citizens seemed to be encroached upon.

Such was the occasion which gained for Mr. Carroll his first signal distinction. The Governor of Maryland undertook to settle a table of fees by proclamation. It was supported by its friends as a just exertion of prerogative. On the other side, it was opposed as an attempt to tax without the consent of the people's representatives, and an arbitrary and unjustifiable assumption of power. Among its advocates was one, who, in the form of a dialogue between two citizens, the first of whom opposed the proclamation, and the second supported it, gave the whole argument, and of course the victory, to the latter. Mr. Carroll took up the argument which had thus been purposely betrayed, and under the signature of the "First Citizen," exhibited a power and a patriotic energy which immediately engaged universal attention. One sentence particularly, which is quoted in his biography, shows how his mind was already ripened in patriotic decision, and impressed with that deliberate firmness which characterized the subsequent proceedings of our country. "What was done?" he exclaims: "The authority of the chief magistrate interposed, and took the decision of this important question from the other branches of the legislature, to itself. *In a land of freedom, this arbitrary exertion of prerogative, will not, must not, be endured.*" Thanks from all quarters were addressed to the virtuous champion of the rights of the citizen, and Mr. Carroll rose at once to the highest station in the confidence of the people.

In this resolute determination he continued. The accomplishments of education, the goods of fortune, the rank they enabled him to assume, were devoted for his country, with an entire disregard of the sacrifice his devotion might require, of ease, of enjoyment, of wealth, perhaps even of life itself. In a letter to a member of Parliament, who, in writing to him, had asserted that six thousand English soldiers would march from one end of the continent to the other, he made this memorable reply. "So they may, but they will be masters only of the spot on which they encamp. They will find nought but enemies before and around them. *If we are beaten on the plains, we will retreat to the mountains and defy them.* Our resources will increase with our difficulties. Necessity will force us to exertion; until tired of combating in vain, against a spirit, which victory after victory cannot subdue, your armies will evacuate our soil, and your country retire, an immense loser, from the contest. No sir—we have made up our minds to abide the issue of the approaching struggle, and though much blood may be spilt, we have no doubt of our ultimate success." Nursed as he had been in the lap of tenderness, he was made of the hardy material which forms a patriot, and willing with his country to abide the issue of her struggle for freedom.

In January 1775, he was appointed a member of the first committee of observation established at Annapolis, and in the same year was elected a delegate in the provincial Convention. In February, 1776, his talents and his services in the general cause being well known, Congress conferred on him, though not a member, the distinguished honor of associating him with Doctor Franklin and Samuel Chase, as Commissioners to Canada to endeavour to induce the inhabitants to join in opposition to Great Britain. The nature and importance of that commission, and the magnitude of its powers, sufficiently attest the extensive confidence reposed in him.

From Canada he returned to the Convention, and there exerted himself with all his power, to obtain a withdrawal of the instructions by which the delegates of Maryland in Congress had been forbidden to concur in declaring the colonies free and independent States. They were withdrawn, and on the second of July, 1776, the delegates from Maryland were in possession of authority to vote for independence.

In July, 1776, he was elected a delegate to Congress,



but before he left the Convention to take his seat in that body, he had the satisfaction of seeing the declaration of the Convention of Maryland published to the world, associating her fully with the other colonies in the great contest for independence.

But why should we further pursue this detail? His highest eulogy is pronounced in saying he was a signer of the Declaration of Independence—his character and his services are best portrayed by the statement, that he was worthy to be associated with the body from whom that declaration issued. To that eminence, as we have seen, he fairly won his way by his talents and his patriotism—by a career of animated and perilous exertion, beginning with the first attempts upon the freedom of his country, and continued throughout with unabated zeal and perseverance. The reputation of wealth, and even his unusually protracted life, may have in some degree obscured his just fame. There may be those, who, looking carelessly into the history of the past, are induced to believe, that riches were his chief distinction, and the tranquil repose of his long serene evening, extending so far beyond the common length of life, characteristic of his former habits. Nothing can be more erroneous. In personal qualities and exertions, Charles Carroll of Carrollton was of the full stature of the eventful times in which he acted. In zeal and determination he was unsurpassed. He neither sought repose, nor shrunk from danger, nor clung to his possessions, nor listened to the seductive temptations to enjoy in indolence his individual advantages—but with the steady and uncompromising spirit which distinguishes the period, could sincerely join with the patriots, who declared, “We have counted the cost, and find nothing intolerable but slavery.” He is entitled to a full portion of our gratitude.

As he was for many years the single representative on earth of the Congress of 1776, his grave seems to be the grave of the whole. It is finally closed, and we are assembled around it for the last time. What they have left to us, is now entirely ours—ours to enjoy, and ours, be it remembered, with the favour of Providence, to preserve. It becomes us seriously and earnestly to consider what this great inheritance is, and with resolute firmness to determine that what we can do, we will do, to preserve it. The path of duty is plain before us—we have more than a single star to guide our footsteps—we have a brilliant constellation, set in the political firmament on the 4th of July, 1776, and all over resplendent with the light of Union. That is the light which embraces us all, and belongs to us all, and exhibits us to the world as the “One People” who declared themselves an independent nation. That it may be resolved into its elements, and these be hurled in mad confusion against each other, destroying and destroyed, until chaotic darkness be come again, is as true as that Heaven for our sins may withdraw from us protection and support, and leave us to our own blind weakness. But that man can do this, and not be an enemy of his country, is as difficult to conceive, as that he can do it and not undo the work of the Revolution—as that he can do it and not destroy our hopes, and bring upon us a train of dire affliction and calamity, of which even the child unborn is to taste the bitterness. If blood be shed again, except under the flag of the Union, it can never mingle with that blood, which consecrated our land when men marched to battle with Washington to lead them. It will not produce the fruits. Armed men will grow up out of this peaceful soil—not such men as put on armour to establish the union, the independence, and the freedom of their country, and laid it down when her liberties were secured—but men supplied with fury’s arms, with the destroying rage, called military ambition, with the lust of dominion, and its dismal progeny, whose procession is closed with the despot and his bloody sword. Brother will be seen fighting against brother, and father against son, all wounding the bosom of their parent country,

and with every blow striking down her constitution, her laws, and her freedom.

Our part is clear. Union is our country, and we are on the side of our country, her constitution, her authorities, and laws. Within the temple of Union are the graves of our ancestors. We will not consent that the glorious fabric shall be torn down—we cannot consent that the graves of our fathers shall be divided. No: Let us supplicate the continued protection of Heaven, with a devout and earnest spirit, and let our prayer be, that our descendants, to the remotest posterity, may be able, together to make their pilgrimage in peace, as we have this day done, to the tombs of the departed patriots, and find them still united, in one country, and in one Union, watched over, and guarded, and revered by ONE PEOPLE. God in His mercy forbid that more should be required of us. But if the extremity must come, the voice from those tombs will tell us, That UNION IS OUR COUNTRY.

We are happy to notice in the “Blairsville Record,” a series of essays commenced, illustrative of the early settlement of Indiana county in this state. Our pages have already been indebted to the “Record,” for the memoirs of Captain Brady, which were read with interest. The suggestion made to country papers to furnish sketches of the counties in which they are located, will we hope meet with more attention than our frequent calls upon them have been favored with upon the same subject. It has to us appeared extraordinary, that so little disposition is manifested, by gentlemen of leisure and intelligence in the interior, to devote a small portion of their time, to the collection of anecdotes and facts relating to their early history, which every town and county of the state must furnish, and which can be so conveniently obtained in the new settlements especially, while many of the early settlers, or their immediate descendants are living. Every year that these investigations are delayed, increases the difficulty of obtaining the desired information, and diminishes the probability of the correctness of the facts, when obtained. What is now a well established, historical fact, and can be readily preserved as such, may in a few years become so interwoven with tradition, that the truth will not be easily separated from it. We will, as we have often before observed, be glad to transfer to our pages from the country papers, or receive directly from the writers themselves, communications throwing light upon the history of any portion of our state.

From the Blairsville Record.

#### SKETCHES OF THE FIRST SETTLEMENT OF INDIANA COUNTY.

##### No. 1.

An extensive field is open for the labor of the compiler of the adventures and privations of the first settlers in the west, of the European stock. New England has done something toward preserving, for the information of posterity, the incidents attending the early colonization of her swamps and forests, but Pennsylvania is comparatively at fault in this respect. King Philip, Capt. Church, and Anawon, figure through many a page of New England manuscript, and even have a place in the more permanent form of printed works; but the many moving incidents arising out of the progressive advance of the “pale face” upon “the red skin” of the west and south, are not presented to the world with equal fulness of detail.



The Pilgrim Fathers of Plymouth are immortalized in story, as the founders of a new empire. While the English language endures their pious and successful efforts to plant the tree of civil and religious liberty beyond the blighting influence of the institutions of dark and barbarous ages, will be lauded, and the time when first their frail bark

"The Mayflower lay on the sands of the bay,"

will be regarded as one of those special visitations of a benevolent Providence, of which our unworthiness alone prevents the more frequent recurrence. Well has their descendant Pierpont compared the moral beauty of their perilous experiment, for sublimity and rareness to,

"An angel's wing through the parting clouds,  
Just seen, and then withdrawn."

The country newspapers, it seems to me, might perform a most useful and pleasing service, by collecting and preserving the most prominent events in the early settlement of their respective localities. Independent of the value of the historical knowledge thus embodied, a consequence of still more practical utility, would be found in the amelioration of party heat, and partizan cruelty, that now disfigure our electioneering controversies. By going back to the days of our simple, sincere, and honest ancestors, by accompanying them in their frugal cabins, or on the peaceful stream, or secluded mountain, we would inhale a purer atmosphere and learn to contemplate the human character in its boldest and best forms. We should see religion without hypocrisy, and patriotism without dissimulation, hospitality without ostentation, and all the endearing relations of domestic life in their fullest play of feeling.

From the same source we should discover that many who now contend with acrimony, rival actors, it may be, in some petty political strife; are the sons of men who "fought shoulder to shoulder," against the savage invaders of their wilderness home. Of men who, could they burst their "cerements of clay," would behold the changed condition and feelings of their posterity, only to bewail it.

Whether these observations be correct or not, I shall give them the credit of my belief, and so far as in my power discharge the duty of a faithful, though it may be, incompetent Chronicler, of the early settlements of Indiana county.

The first attempt at making a settlement in the limits of Indiana county, is believed to have been made in the year 1769, in the forks of Conemaugh and Blacklick. The country had been explored in 1766-7, and the explorers were particularly pleased with the spot on which the town of Indiana now stands. It was clear of timber or brush, and clothed in high grass; a sort of prairie. So was what is now called the marsh, near the town on the Blairsville road, though at this time, a nearly impervious thicket. When settlers had commenced improvements within a few miles of the town, they cut the grass off the prairie for the support of their cattle in winter. In making their hay they were greatly annoyed by rattlesnakes. Persons are yet living in the neighborhood, who have seen this natural meadow, with the hay cut and stacked upon it.

About the year 1771, or 1772, Fergus Moorhead and James Kelly commenced improvements near where the town of Indiana stands. Kelly's cabin stood within the limits that now inclose his son Meek Kelly's orchard. The country around might well be termed a howling wilderness, for it was full of wolves.

So soon as the cabins were finished, each of these adventurers betook himself at night to his own castle. One morning, Mr. Moorhead paid a visit to his neighbor Kelly, and was surprised to find near his cabin, traces of blood, and tufts of human hair. Kelly was not to be found. Moorhead, believing him to have been killed by the wolves, was cautiously looking about for his re-

mains, when he discovered him sitting by a spring, washing the blood from his hair.

He had lain down in his cabin at night and fallen asleep—a wolf reached through a crack between the logs, and seized him by the head. This was repeated twice or thrice before he was sufficiently awakened to shift his position. The smallness of the crack and the size of his head prevented the wolf from grasping it so far as to have a secure hold, and that saved his life. Some time after this, the two adventurers returned to Franklin county, (then Cumberland,) for their families.

On their return, they were joined by others. Joseph M'Cartney settled near them at an early period.

The privations of such a situation can, in some degree, be measured by the difficulty of obtaining bread stuffs, and other necessities of life, of which the following is an example.

Moses Chambers was another early settler. Having served several years on board a British man of war, he was qualified for a life of danger and hardship.

Moses continued to work on his improvement till he was told one morning that the last Johnny cake was at the fire! What was to be done? There was no possibility of a supply short of Conagocheague. He caught his horse and made ready. He broke the Johnny cake in two pieces, and giving one-half to his wife, the partner of his perils and fortunes, he put up the other half in the lap of his coat, with thorns and turned his horse's head to the east.

There were no inns on the road in those days—nor a habitation west of the mountains; save, perhaps, a hut or two at Fort Ligonier. The Kittanning path was used, to Ligonier, and from thence, the road made by General Forbes's army. Where good pasture could be had for his horse, Moses tarried and baited. To him, day was as night, and night as the day. He slept only whilst his horse was feeding. Nor did he give rest to his body or ease to his mind, until he returned with his sack stored with corn.

How forcibly would the affecting story of the patriarch Jacob, apply itself to the condition of families thus circumstanced.

"Jacob said to his sons, Why do ye look one upon another?—and he said behold I have heard that there is corn in Egypt; get you down thither, and buy for us from thence; that we may live and not die."

Moses Chambers was not the only one who had to encounter the fatigue and trouble of procuring supplies from Franklin county—all had to do so. Such was the condition of this country, and such the prospects of settlers after the peace of 1763.

MOHULBUCKTEETAM.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Thursday Evening, Sept. 12, 1833.

### SELECT COUNCIL.

The president presented a communication from the City Commissioners, representing that difficulties have arisen with the tenant of the wharf adjoining the north dock at the drawbridge, in relation to the occupation of that dock by vessels, and recommending the corporation to extend a pier along the north line of the city property, into the said dock, thus obviating all difficulties, and securing to the city two landings. Referred to the committee on drawbridge lot.

The president presented a communication from the City Commissioners, enclosing a printed statement of their receipts and expenditures, for the second quarter of 1833, by which, it appears, that the amount of Market rents, from April 1st to June 30th, was \$645 50; receipts for entries of Hackney coaches, &c. £328; permits for building materials, \$48; miscellaneous receipts, \$229 66. Laid on the table.

The president presented a communication from the



Board of Commissioners of the Northern Liberties, enclosing certain resolutions refusing to concur in the proposition submitted as an agreement between the City, Kensington, and that District, for the supply of the Schuylkill water to the Kensington district, unless under certain provisions. Articles of agreement, to which the Board are willing to accede, were submitted. Laid on the table.

The president presented a communication, from Benjamin Tilghman, Esq. in relation to certain patent reflecting lamps, in Fourth, between Walnut and Spruce streets, which had been purchased by citizens, and placed under the control of the corporation. Laid on the table.

Mr. Groves presented a remonstrance against making Crown street a stand for stages, which was laid on the table.

Mr. M'Creedy presented a petition praying for the repaving of Front street, between Arch and Market. Referred to Paving Committee.

Mr. Groves from the committee, to whom was referred a memorial of citizens, praying for liberty to extend a rail road in Market street to Eighth, made a report favorable to the petitioners. A resolution was attached authorising the construction of said rail road, under the direction of the Select and Common Councils, whenever petitioners shall give security for the amount necessary to cover expenses. Laid on the table.

Mr. Groves, from the committee appointed to examine and report on the situation of the Girard estate, presented the following report:

The Committee having charge of the Girard estate out of the county of Philadelphia, beg leave to report.

That agreeably to a resolution of Councils, they have recently visited the lands in Schuylkill county, and have the satisfaction of stating that the improvements heretofore authorised to be made are now nearly completed. The agent, Mr. Boyd, who was employed by Mr. Girard, and who has been continued by the committee, will remove from his present residence near Danville, into the mansion house at Girardville, during the present month. The tavern, commenced by Mr. Girard, has been finished—also a store, smith-shop, and stable, all of which were indispensable, and are now producing rent; these improvements, together with several acres of land, which have been cleared, have materially changed the appearance of the place since the first visit of the committee, and Girardville, which was then but a wilderness, begins now to assume the appearance of a thriving village, affording comforts to the workmen and accommodation to the traveller. The road contemplated by Mr. Girard, and which connects the eastern with the western part of the estate, has been completed sufficiently to be travelled over with carriages. The grist and saw mills on the Catawissa creek, on the eastern section, which were much out of order, have been put in good repair, and will be rented—some of the farms, (of which there are six,) in the eastern section, have been rented upon the terms prescribed by the committee on a former visit, on improving leases.

The Pottsville and Danville Rail Road Company, to whom a lease has been given to work the coal mines on the Bear ridge, have commenced their operations, and have ascertained from actual exploration, that there are sixteen large veins of coal on the ridge which they have opened, producing coal of superior quality—they are making a tunnel, and have penetrated the ridge about eighty feet, and as the rail road is expected to be finished as far as Girardville the present season, there is no doubt that coal will be brought from those lands to this city, during the ensuing spring. The saw mill on the Shenandoah creek has been put in good order—this mill as well as the two other saw mills on the Mahonoy, have been busily employed in cutting timber to fulfil the contract entered into by the agent, with the Pottsville and Danville Rail Road Company—these mills will yield a fair profit to the city, and have no doubt contri-

buted greatly towards facilitating the works of the Rail Road Company.

The committee are of opinion that those lands will, at no distant period, with judicious management, be productive of very considerable revenue to the city, but owing to the particular circumstances under which this part of Mr. Girard's estate is devised, they have thought it most prudent to enter into an arrangement with the agent, whose salary has been continued the same as fixed by Mr. Girard—by which his salary and all incidental expenses, including taxes, shall not exceed the income of the estate, while all the proceeds of the estate beyond the amount of his salary are to be paid over by him to the treasurer of the Girard estates.

In conclusion, the committee beg leave to remark, that it is doubtful whether the boundary lines of this estate have ever been correctly established, and conceiving this to be a matter of much importance, they respectfully recommend the adoption of the following resolution:

Resolved, That the committee having in charge the lands belonging to the estate of the late Stephen Girard, out of the county of Philadelphia, be, and they are hereby authorised to take such measures as they may think the most expedient for ascertaining and establishing the boundary lines of the lands in Schuylkill county, and that the Mayor be authorised to draw his warrants, (at the request of the said committee,) on the treasurer of the Girard estates, for such sums as may be necessary to accomplish that object.

In compliance with the resolution of Councils, the committee have also visited the lands devised by the late Elias Boudinot to this corporation, in trust, &c.—these lands lie on the south side of the west branch of the Susquehanna, and on the western declivity of the Allegheny mountain; they commence about four miles below Karthaus, and extend down the river several miles, and no doubt contain large bodies of bituminous coal and iron: the committee are of opinion that these minerals together with the timber in the vallies, constitute the chief value of this estate, there being but little if any farming land. The west branch canal, now authorised by act of assembly, will, when completed, be within about fifty miles from the lower end of the lands; and when the river is high it can be navigated to that point without difficulty. These lands however, are so remote from the city, and the expense and difficulty necessarily attending their management, will consequently be so great, that it is presumed they cannot for a length of time be made to contribute much towards the objects intended by the donor, in addition to these circumstances the taxes (of which two years are now due) are still accumulating. In view of these facts, the committee, after having given the subject mature deliberation, are of opinion that the best course to pursue, will be for the city to obtain the sanction of the state, by act of Assembly, for them to make sale of these lands to the best advantage, and apply the proceeds thereof to the objects specified in the will of the testator. They therefore offer the following resolutions:

Resolved, That application be made to the legislature, at their next session, for authority to sell the lands in Centre county, devised to this city, in trust, &c. by the late Elias Boudinot.

Resolved, That the Mayor be, and he hereby is authorised to draw his warrant on the city treasurer, in favor of J. G. Lowry, Esq. treasurer of Centre county, for the sum of forty dollars and two cents, being the amount of taxes due on the Boudinot lands, for the years 1832 and 1833.

Philadelphia, Sept. 12, 1833.

The first and third resolutions were adopted, and concurred in by the Common Council. The second resolution was laid on the table.

Mr. Worrell, from the committee to whom was referred the petition of Griffith Evans and George Pepper,



praying for an extension of the culvert in Mulberry street, westward to the river, reported favorably on the application, and submitted an ordinance authorising the city commissioners to commence the work. Expense of culvert, wharf, and dock, estimated at \$3,500. Laid on the table.

Mr. Wetherill, from the Watering Committee, made report on the subject of the old Engine House, at Fair Mount, recommending that the centre building be arranged for public meetings of citizens, and the wings fitted up for the use of the men having charge of the water works. Cost estimated at \$3,000. Adopted.

Mr. Wetherill, from the Watering Committee, made a report, recommending the appointment of two suitable persons to examine the condition of the Fair Mount dam, with a view to ascertain its stability. Also, recommending that the Watering Committee be authorised to appoint qualified persons to measure the quantity of water flowing over said dam. Adopted.

Mr. Worrell, from the committee on the city property, at Chesnut street wharf, Schuylkill, made the following report:

To the Select and Common Councils of the City of Philadelphia.

The committee appointed to superintend the improvements of the city property, at Chesnut street wharf, on the Schuylkill, in addition to their report presented on the 14th of February, 1833, further report—

That in conformity to the resolution of Councils, passed November 8th, 1832, they have caused the Old Engine House at the corner of Schuylkill Front and Chesnut streets, to be taken down, and made use of the materials thereof, in the erection of the Store House, authorised to be built, under the direction of the committee by resolutions of Councils—the said store is one hundred and twenty feet front on Beach street, and from thence extending westward eighty feet, and is now being roofed in.

The south dock or canal, is nearly completed with suitable floodgates, now in their places, and the north dock or canal is nearly walled up, the whole being in a satisfactory state of progress.

The money expended on these improvements up to the present time, amounts to the sum of thirty-two thousand and fifty-six dollars and thirty-five cents—and for removing the old engine house, the cost has been twelve hundred and thirty eight dollars, seventy seven cents; together amounting to thirty-three thousand two hundred and ninety-five dollars and twelve cents.

The committee have received from J. Erdman, an estimate of the probable cost of completing the buildings, wharves, docks, &c. Which including the sums now due and unpaid, amounts to twenty-one thousand three hundred and twenty-five dollars, making the whole expense of this improvement when completed, (which the committee believe will be in the course of the present season,) fifty-four thousand six hundred and twenty dollars, and twelve cents. All of which is respectfully submitted.

Mr. Lippincott, from the committee on the subject, reported an ordinance for the regulation, government, and direction of the Wills' Hospital, which was ordered to be printed.

Mr. Groves from the committee on the subject, reported an ordinance, directing the City Clerk to make correct accounts, annually, of all taxes and water rents levied on the estate of the late Stephen Girard, and ordering the same, when duly ascertained, to be paid over to the City Treasurer. Ordered to be printed.

Mr. Massey submitted a letter from Professor Hare, on the subject of lighting the city with gas, &c. and expressing his opinion as to the inexpediency of that measure. Laid on the table.

Mr. Lippincott submitted a resolution authorising the Mayor to draw his warrant in favour of the City Treas-

urer, on B. Cooper, Treasurer of the Girard Fund, for \$30,000, to be appropriated to the improvement of the city property on the Schuylkill. Laid on the table.

#### COMMON COUNCIL.

The president submitted a communication signed Richard Willing, and others, representing that a sloop, loaded with paving stones, which had recently sunk off Stamper's wharf, materially interfered with the navigation of the river, and praying that the corporation would direct its removal. On motion, the committee on the drawbridge lot, were authorised to confer with the wardens of the port, and take measures for the removal of said obstruction.

The president submitted a communication from Michael Woolf, the individual employed to attend to the committees of Councils, at their meetings in the City Hall, requesting some compensation for his services. Referred to a joint special committee, authorised to report at next meeting, the proper amount of compensation. Committee of Common Council, Messrs. Maitland and Yarnall. Select Council, Massey and McCreedy.

Mr. Wetherill presented a petition from a committee of the Fifth Baptist Church, in Sansom street, praying permission to erect in front of their house of worship, a patent reflecting lamp—the oil, &c. to be furnished by the city. Referred to the committee on Argand burners.

Mr. Sailor presented a memorial remonstrating against making Crown street a stand for coaches. Referred to the committee on markets.

Dr. Huston presented a petition praying that west George street may be opened and regulated.

Mr. Smith presented a petition of like import. Referred to the Paving Committee, with power to act.

Mr. Smith presented a petition, praying that Jacoby street may be paved. Referred to the Paving Committee.

Mr. Chandler presented a communication signed Michael Andress, agent for John Brooks, in relation to a nuisance back of Third, above Union street, and asking permission to lay an iron pipe to the culvert in Union street, to remove the same. Referred to the Paving Committee.

Mr. Gilder presented a petition asking that Lewis street may be paved. Referred to Paving Committee, with power to act.

Mr. Elliott presented a bill making the corporation debtor to J. B. Sewell, \$30, for superintending the printing of sundry accounts of the Girard estate. Referred to the committee on Accounts.

Mr. Lapsley from the Market Committee, to whom was referred a petition praying for a change in the stand for market carts, from Pine above Third street, to Pine below Third street, reported against the application. Adopted, and concurred in by Select Council.

Mr. Lapsley from the Market Committee, to whom was referred petitions for erecting a stand for Manayunk coaches, reported against the application. Adopted, and concurred in by Select Council.

Mr. Merrick from the committee appointed to prepare an ordinance for the re-organization of the City Police, agreeably to the provisions of the will of Stephen Girard, made the following report which was adopted, and concurred in by Select Council.

That in the fulfilment of the duties assigned them, they have examined into present arrangements, and have called to their aid gentlemen whose practical knowledge and long experience in its operation, enabled them to point out wherein it is defective, and to what extent changes may be made conducive to the public good.

The result of these inquiries has been a conviction on the minds of the committee, that to meet in its full



spirit, the wishes of the testator, and render the police an efficient protection to the lives and property of their fellow citizens, will require a change in the whole system, involving an increased expenditure, arising from additional duties, and an increased number of individuals to be employed.

In a matter of so much importance to the welfare and safety of the community, your committee are of opinion, that no hasty or ill-advised steps should be taken, but that the plan should be fully matured by gentlemen fully competent to the task.

The committee have applied for advice to the Mayor and Recorder of the city, and the late Mayor, and believing that the experience of those gentlemen, whose knowledge of the subject will enable them to judge of the practical operation of any change that may be made, better than can be done by any committee of Councils, recommend that the subject be referred to them to report to an early meeting of the next Councils, and in pursuance offer the following resolution to the consideration of Councils.

Resolved, That John Swift, Mayor of the city, Joseph McIlvaine, Recorder, Benjamin W. Richards, and Jos. Watson, late Mayors, be and are hereby appointed Commissioners for the purpose of devising a new and more efficient system of police, for the protection of the city, in obedience to the will of Stephen Girard, and that they be requested to report at the first meeting of next Council, or as soon after as practicable.

All which is respectfully submitted.

Mr. Merrick from the committee on Fire companies, made the following report, which was unanimously adopted and concurred in by Select Council.

To the Select and Common Councils.

The committee on Fire companies report—

That in conformity with the ordinances appropriating to the Fire companies in the city, the sum of \$7000 to defray expenses incurred in keeping their fire apparatus in effective service—they have certified to the Mayor the following apportionment, and requested him to draw his warrant on the City Treasurer, in favor of the President of the companies, respectively, for the amount appropriated to each.

Assistance Engine Company	\$245
Columbia	245
Delaware	245
Diligent	291 50
Good Will	245
Hand-in-Hand	245
Harmony	245
Hibernia	245
Pennsylvania	291 50
Philadelphia	291 50
Reliance	245
Vigilant	245
Washington	245
American Hose Company	282
Columbia	282
Fame	282
Good Intent	282
Hope	282
Neptune	282
Philadelphia	282
Perseverance	282
Phoenix	291 50
Resolution	282
Robert Morris	282
Southwark	282
Washington	282

\$7000 00

In this apportionment your committee have been guided by their predecessors. During their visit to inspect the apparatus, no disapprobation was expressed by the gentlemen in attendance to the amount apportioned to each, except in one or two instances, when

from an increase of expenditure and value of apparatus, a like increase of appropriation was sought. As however the grade had been fixed by former committees, after a careful examination into the circumstances of each company, and as the session was advanced too near its close before such application was made, to admit of such a revision, as would ensure equal justice to all, your committee have not deemed it expedient or proper at this time to make any change.

The committee cannot close their report without expressing their gratification at the admirable order and keeping of the Fire apparatus, every part of which appeared in the best condition for effective service, and reflects much credit on the gentlemen to whose patriotic exertions the community are indebted for the preservation of their property from the destructive element. All which is respectfully submitted.

Mr. Gilder from the Paving Committee, reported a resolution for repaving Sixth street from Race to Vine—Rye street—Walnut street from Schuylkill Third to Front, and Schuylkill Sixth from Race to Arch.

Dr. Huston called up for consideration the report of the committee on changing the name of South alley, and offered an amendment directing said alley, as well as the new street opposite to be called, Commerce street, which was adopted. Select Council non-concurred in the amendment—Common Council refused to recede, and appointed Messrs. Chandler and Huston a committee of Conference. Select Council appointed Messrs. Wetherill and Lippincott.

On motion, Councils adjourned until Thursday evening next.

## CHARGE OF JUDGE DARLINGTON.

### HORSE-RACING.

“At the recent court in Delaware county, Judge Darlington delivered a Charge to the Grand Jury—and at their request, furnished the following extract therefrom, which we find in the Upland Union.

There is one offence against the laws, of which we are very rarely officially informed, but which we have abundant reason to believe, is too common within this district. Rumor, and even the public newspapers, sometimes inform us that the law against horse-racing is disregarded and set at nought in this and the adjoining county of Chester. It is believed that times and places are appointed for these public and open infractions of the law—that crowds assemble to witness them, always composed, in part, of the idle, the dissolute, and the vicious—the free passage of citizens over the highways is often obstructed—and the scene not unfrequently winds up with gaming, drunkenness, and breaches of the peace. The subject is respectfully submitted to the attention of the Grand Jury.

We will not detain you to inquire whether public horse-racing be, under any circumstances, useful or necessary for the encouragement of the better breeds of horses, (a question about which much might be said on both sides) because, it is believed, all will agree that the tendency and practical effect of horse-racing, (at least such as are supposed to exist among us,) is noxious to the peace and good order of the community: besides often obstructing the highways, and rendering the passage over them dangerous, the facilities given to the extension of crime and fraud, by the gathering of the idle and vicious; the various species of gambling which are sometimes practised by them on such occasions; the chance of uttering and passing counterfeit notes; and many other practices of a demoralizing and criminal tendency, must far overbalance any imaginary good which can ever be hoped for by the practice of horse-racing, and be a sufficient consideration, one would suppose, to induce the whole people, magistracy and peace officers, of such a county as this, to rise up and put forth their strength against the practice, and thus eradicate the stain which will otherwise remain



upon the general good character of the people of this county for exemplary morals and peaceable and dutiful submission to the laws.

But it is enough for you and for us to know, "that all racing, running, pacing or trotting horses, mares, or geldings, for money, goods or chattels, or other valuable things," are declared by the act of the 17th of February, 1810, "to be common nuisances against the state," and the "authors, parties, contrivers and abettors thereof, shall be prosecuted and proceeded against by indictment." The same act further provides, that "each horse, mare or gelding, used or employed by the owner thereof, or with his consent, in any race, on which any bet or wager shall have been laid, or any purse or stakes shall have been made, shall be forfeited to the proper county: and the said horse, mare or gelding so forfeited, shall at any time within two months thereafter, be seized by any overseer of the poor or supervisor of the highways of the township in which such race shall have been run, or by the sheriff, or any of his deputies, of the county within which said township shall be situate."

We know not whether any complaints may be formally laid before you for offences against the law just referred to, but the attestation you have just taken, authorises you, nay requires you to make diligent inquiry; that is, by all the means within your knowledge, or that you may be furnished with. If you require the attendance of witnesses, the court will compel their attendance, so that you may examine them on oath. You have the right to present the offences and the names of the offenders in writing, with the names of the witnesses you may choose to furnish, whereby the Attorney General may be enabled to prepare and prosecute indictments.

If it shall be found that any peace officers, whose duty it is to suppress crimes and punish nuisances, or any officers especially charged with the execution of the act referred to—if any magistrate, constable, overseer of the poor, supervisors of the highways, sheriff or his deputies, have been remiss in their duty, so that either offenders or horses have escaped, the Grand Jury have a right to present them.

The gambling character of horse-racing is all that has heretofore met the reprehension of the Legislature, except within the city and county of Philadelphia. By the act of the 22d of March, 1817, all horse-racing, whether for money or other valuable thing or not, is forbidden, under severe penalties, upon any of the public roads or highways in that populous district—a provision which, for the safety and convenience of travellers, we should like to see extended over the state. But under the present act, to which your inquiries have been directed, it is only such races upon which some "bet or wager" shall have been laid, or "some purse or stakes shall have been made, or some money, goods, chattels or other valuable things" shall have been striven for, that come under the notice, penalties and forfeitures of the law.

It is recommended to the Grand Jury to take the subject into consideration, with a hope that whatever may be the immediate result, at least public inquiry may be directed to the subject, and that in the end, the offence with all its concomitant evils may be banished from our county.—*Village Record.*

#### UNIVERSITY OF PENNSYLVANIA.

Sept. 2, 1823.

The trustees of the University have great satisfaction in being able, after three years' experience, and after the examination of the classes in the collegiate department which has lately taken place, to renew the assurance of their entire and even increased confidence in the efficiency of the institution under its present professors. The system of instruction adopted at the re-organization of the department of arts, was announced in the month of September, 1829, and at the close of

the studies of the following year, the trustees took occasion to state the gratifying results of the first years' labours. The expectations then indulged have been fully realized, and they feel themselves warranted in saying from a careful inspection during the three years which have since elapsed, and especially at the close of the last session, that this system has been ably and faithfully carried into effect. The instruction of the pupils in everybranch of their studies has been thorough and accurate.

The trustees have pleasure also in believing that the public confidence in the University is becoming more and more established. The number of pupils admitted at the last examination was greater by one third than at the corresponding period of any former year. It is encouraging to perceive from this demonstration, that the institution is growing in the esteem of our fellow citizens, and that the measure of its support increases with the conviction, founded upon actual results exhibited by the classes that have been graduated, of its capacity to afford a comprehensive and solid education.

In bearing this testimony, according to their duty, to the merits of the Institution, and to the industry, zeal and ability of the Professors, the Trustees avail themselves of the occasion to repeat the expression of their sense of the importance of the trust committed to them, and of their determination to endeavour to execute it in a manner worthy of the enlightened community whom it most immediately concerns. That community, and all who may feel an interest in the advancement of morality and learning, they would respectfully but earnestly invite to make themselves acquainted with the actual state of the University, persuaded that nothing more will be necessary to convince them that "it is as broad in its principles, and comprehensive in its course of instruction, as any college within our common country," and extending its usefulness by their countenance and support. Let it have the place it deserves in their thoughts and affections, so as to be invigorated by the warmth of habitual kindness and consideration, and with the blessing of Heaven its success is certain.

Signed by order of the Board.

WM. WHITE, Chairman.

JAMES C. BIDDLE, Secretary.

**THE COAL TRADE.**—In our paper of Wednesday we published what we then stated was an incomplete account of the number of the vessels laden with coal, that had cleared from the river Schuylkill, during a period of a little over five months. [See page 158.] We are now enabled to present a tolerably complete return. From 20th of March to the 1st of September, the number of vessels laden with full cargoes of coal, were 52 brigs, 568 schooners, and 124 sloops—making a total of 744 vessels. During the same period, the Lehigh Coal and Navigation Company despatched from the Delaware, laden with coal from the mines at Mauch Chunk, 1 ship, 32 brigs, 155 schooners, and 55 sloops—total, 243. The whole number of clearances from the Delaware and Schuylkill, therefore, amount to *nine hundred and eighty-seven*.

During the ensuing two months, we hazard little in saying that there will be *five hundred* vessels despatched with coal from this city.—*Com. Herald.*

#### LARGE SALE OF COAL LANDS.

The tract of Coal Land known as late the property of Jacob W. Seitzinger, Esq. in the vicinity of Pottsville, containing 652 acres, was sold last evening, at the Merchants' Coffee House, by T. W. L. Freeman, auctioneer, for the Marshall, at \$34,500 cash.

**TOW BOAT.**—The steamboat *Linnaeus*, purchased in New York, for the purpose of towing vessels up and down the river Schuylkill, has arrived, and is now engaged in that business.



# FIRST ANNUAL REPORT OF THE BOARD OF TRUSTEES OF LAFAYETTE COLLEGE.

October 8, 1832.

In presenting to the public their First Annual Report, the Board of Trustees of Lafayette College deem it decorous, briefly to state the reasons why it did not appear sooner: why they have remained so long inactive—at least inefficient.

Soon after the issuing of their charter, in 1826, the trustees were called together, and the Board was organized: measures were taken to sketch out a system of instruction and order of studies. Attempts were made to procure suitable teachers and raise funds. The former failed, it is believed, chiefly because the latter did not succeed; and the latter failed, *partly*, because public attention was then, and has been ever since, too much engaged with the subject of the internal physical improvements of the state, to give merited attention to the internal, moral, intellectual, and physical improvements of her citizens; and *partly*, from a want of deep feeling interest in education in general, and of a correspondent disposition in the public and individual minds to contribute to its promotion. The magnitude of the object and the consequent extent of funds necessary to its attainment, seemed to paralyze effort: and after a few exertions, too much, we confess, characterized by a spirit of despondency, the friends of the enterprise, yielding to the invincible necessities of the case, abandoned it for a time, but not forever. We still believe it a noble enterprise, and one which the best interests of our country required, and we have only been waiting the opening of a door of hope in the presentation of more auspicious circumstances. We think we have not waited in vain. Providentially the circumstances have occurred, and the door of hope is thrown open before us.

During the last winter, information was incidentally received, that the Principal of the *Manual Labor Academy of Pennsylvania*, located at *Germantown*, had resigned the charge of that institution, but had not abandoned the enterprise of conducting education in connexion with manual labor. That the location of that establishment so near the city, and consequently so expensive as to living, proving a chief cause of its embarrassment, and its charter limiting it to that vicinity, he was determined to remove to a part of the country where circumstances were more promising. Upon invitation this gentleman visited our town in February last, and after various interviews with the Board and its members and friends, finally agreed to accept the office of *President* of the College—provided, the *Military* requisitions could be dispensed with, and *Manual Labor* substituted in their place; and provided the Board would procure the necessary accommodations as to lands and houses. The former proviso was soon met by a change in the charter, and the latter partially by a *lease* of *Mr. Midler's* farm adjoining this borough. Meanwhile, the trustees of the academy at *Germantown* had resolved to sell their property and suspend their school. Thus the way was prepared for the removal of the students. And thus it will be seen, that in a qualified sense, Lafayette College is a continuation of the *Manual Labor Academy* of Pennsylvania; and we are happy in thus recording our obligations to the trustees of that institution. Their labors, though apparently abortive, have really not been in vain. They deposited the germ and nourished the plant which it is ours to cultivate to maturity. Let it then be our concern not to suffer the thrifty nursling, which their industry has prepared to our hands, to languish and die for the warmth of genial soil and proper culture. Let us rather, by furnishing both with a liberal hand, secure its rapid growth, until its top shall aspire toward the heavens, its branches spread over our hills, and its fruits descend in rich abundance to honor and to bless our land.

Lafayette College is a moral and religious, a literary

and scientific, an agricultural and mechanical Institution. In reference to each of these departments, it will be our business to exhibit it before the public in its past history, its present condition, and its future prospects.

## Morality and Religion.

No young gentleman of immoral habits has been tolerated. Any that may have been admitted unawares, given to vicious practices, are obliged to abandon their habits or their standing. The tone of moral feeling has been and still is such, that society and companionship are withheld from every student who does not comply with the strict rules of morality: and it is this moral force, combined with private friendly admonition, rather than censure or the fear of it, that has hitherto secured its decided moral character. Thus we hope it shall ever be.

The religion of the *Bible* is taught once a week in a familiar Bible class exercise. All the students attend this class, and also the morning prayer in the College Hall—and the family religious exercises. In these last, such of the students as choose, participate. A little more than one half generally engage in this duty and privilege. No religious sect is known. The institution has always embraced many denominations, and still does so: and the charter guarantees its privileges to all, without distinction of religious party.

## Literature and Science.

In this department we profess to have nothing different from other colleges, except the issuing of special certificates or diplomas for particular branches of study.

The Board have not yet arranged these specifications in reference to any particular objects, except that of common school teachers. It will be seen in the appendix to this report, what is the course of studies for the general scholar in the several classes, and what the special requisites for the school teacher's diploma. In making the arrangements for this last, we have had particular regard to the destitutions of our country and the elevation of the standard of common school education.

The department of *German* literature, in which the Board feel a deep interest, has suffered a severe loss in the resignation of Rev. Professor Rauch, D. P. A large class was just forming and had written for books, when their hopes were disappointed by his removal. This is the more to be regretted, because the limited resources of the Board render it impossible for them at present to employ a competent Professor in that department alone, without some collateral means of support. Our ardent wish and hope however is, that the German population of Pennsylvania will not suffer the language of their fathers, the most majestic and venerable of the modern tongues, to pass away from the country of their adoption. We hope they will, by enabling us to meet our charter obligations in the endowment of a German Professorship, revive a taste for the literature of *Luther* and *Melancthon*, of *Wieland* and *Goethe*, of *Tholuck*, *Gessner*, and *Gessenius*.

On the 10th day of August last, the Board appointed Mr. Charles F. M'Cay, who has for nearly two years been teaching in the academy, Professor of Mathematics and Natural Philosophy; Mr. J. J. Coon, Professor of the Latin and Greek languages; and Samuel Gross, M. D., Professor of Chemistry, Mineralogy, and Botany. Under the administration of these gentlemen, together with the President, we feel confident this department will not disappoint any reasonable anticipations of the public: in which confidence we are fortified by the very satisfactory results of the recent examination.

## Agricultural and Mechanical.

The farming operations have prospered under the supervision of Mr. Thomas Pollock, who with the labor of the young men, conducted the farming operation specified in the appendix. Our horticulture proved a losing concern. The unprepared state of the ground,



its northern exposure, and the deficiency of prepared manure, rendered this the least productive expenditure of labor. The first and the last of these evils, will in a degree be remedied by the next season, so that we hope for a more equitable return from the soil.

The mechanical department, and the business of the entire establishment has been under the direction of Mr. Daniel Gaston, as agent. Reserving the details of work in the regular branches for the appendix, we will here give some account of the first and heaviest job.

The buildings on the rented premises being entirely insufficient to accommodate the students, and the family of the President, an addition was indispensable, and it was necessary to have it ready for occupancy on the opening of the summer term, on the 9th of May. It was moreover desirable to construct it by the labor of the students, and that too without an entire suspension of their studies: therefore it was necessary to begin it before the 1st of April. Accordingly, the President with a volunteer corps from the academy at Germantown, arrived at the premises on the 14th of March, and proceeded to work next day. When the ground was marked out for the new building, it was partly covered with snow and frozen. The quarry too, from which the stones were taken, was rendered very difficult to open by reason of frost, the ground in both cases facing the north. The work however progressed, and on the 31st, the remnant of the students and their teachers, with the family of the President arrived; and the building moved on more briskly, and was ready by the 9th of May. It is a frame of very plain workmanship, thirty-one feet square, two stories high, with garret rooms finished and basement for work shops. It is divided into eight lodging rooms, two school rooms, and the shop, and was constructed by the labor of the students, except eight days work in the quarry, the masoning and plastering.

Our blacksmith shop is small, and affords employment for only two hands—our own smithing has occupied them more than the regular term for work. The farm work and the manufacture of trunk handles, and irons for cultivators, has chiefly employed them. The branch which seems most likely to succeed, and to suit the nature of our hands, is the manufacture of packing boxes, for the city consumption. Our arrangements are such now that we feel able to go into the market with the city box makers, on equal terms. Our boxes are put in bales, and we have an agent in the city to put them together and deliver them to our customers.

We are also prosecuting the trunk making business with success. There is however more variety of operation, and consequently it requires more care and capital in proportion to the number of hands.

Agricultural implements have been made to a small extent: and we hope to see the day when "the Lafayette Plough" will be in great demand.

#### *Number of Students.*

The summer term of the College opened on the 9th of May, with forty-three students; which number increased in a short time to fifty-six, the utmost that could be received into the buildings. There have been also eleven day scholars, making the highest number at one time sixty-seven. Many applicants have been refused for want of room.

#### *Health.*

Our experience continues to justify the utmost confidence in manual labor, as a prophylactic remedy against the diseases incident to the sedentary life.

#### *Present Condition.*

The Institution occupies premises inadequate to its present accommodation. They are held on a lease which will expire April 1st, 1834, and which cannot be renewed without relinquishing a large part of the arable land, and this would render the rent exorbitant.

Our present difficulties therefore, and they are serious and embarrassing, but not insurmountable, are such as relate: to the increase of students: the deficiency of shop room, tools, and capital in business: and to the absence of library and apparatus: and to the want of permanent and suitable garden grounds.

The number of students properly within the plan of the College as a boarding and manual labor institution, cannot exceed fifty, in the winter season—because there are not rooms to accommodate more. In summer six or eight more can be admitted. This number is scarcely sufficient to afford full employment and moderate compensation to the Professors now engaged. It could be greatly enlarged, if convenient lodgings could be procured.

Our shop room too, will not afford opportunity of work to all our hands in the winter: without alternating, which is often difficult to arrange on account of the class recitations, it will be impossible to find employment. The stock in trade is private, being the property of the President, and quite limited: which therefore cannot be expected to yield large results. The branches of manufacture pursued, require considerable delay in the returns, and of course render imperious the extension of the capital.

A literary institution without library and apparatus, cannot hope success in the higher branches of study. In their absence it is not reasonable to expect, nor would it be right that young gentlemen should remain during their junior and senior years. Accordingly, our more advanced students are making, or have made, arrangements for entering other colleges to complete their course, where these facilities are enjoyed. Our most pressing wants however are those of globes, maps, philosophical and chemical apparatus.

The impolicy of expending time, labor, and money, in improving, either by building or the preparation of garden grounds, on so short a lease, is perfectly obvious. Our young men might labor, but the harvest of their toils would remain to be gathered by other hands. [This difficulty we have considered as first in the order of time, and not least in importance. And therefore the Board, convinced as they are, and as they think every reflecting reader will be, by the facts detailed in this report and appendix; that the plan of education connected with productive manual labor is PRACTICAL; and is the only plan whereby classical and scientific attainments can be brought to the door of the poor as well as the rich; and thus every youth of sound mind and noble spirit be enabled to educate himself; have not hesitated to meet and remove this difficulty. This they have done by the purchase of nine acres of land within the borough limits, on the north side of Bushkill creek, facing North Pomfret street. This plot of ground is very elevated, overlooking the town of Easton and the adjacent rivers Delaware and Lehigh with their bridges and canals, their inclined plane and locks, and commanding one of the very finest views in all the variety of our very varied and picturesque scenery. The quantity of land is indeed too small, but it may be enlarged as means increase, and it will afford sufficient room for the buildings and garden grounds. It has moreover the peculiar advantage of access to the fine gravel spring water which flows through it the iron aqueduct of the "Easton Water Company." On "Mount Lafayette," therefore, it is the purpose of the Board to erect, during the ensuing summer, a College building, shop, barn, &c. and thereby to remove two others of the present difficulties, leaving only the matters of library and apparatus. These so far as indispensable we hope also to procure shortly.]

#### *OUR FUTURE PROSPECTS,*

However, depend very much, for their complexion upon the sunshine of public favor. We, as a Board, are without resources, other than the common resources of every benevolent and ennobling enterprise; the



boundless resources of gratuitous, voluntary contributions, and of legislative bounty. Our young men indeed are willing to labor. Many of them must be largely the makers of their own fortunes. They have bone and sinew and nerve, moral, intellectual and physical, and a disposition to use them in building up their individual and the public interests. But then, active power, must have material on which to operate. Egypt's tyrant, until maddened by jealousy, demanded not the tale of bricks, without furnishing straw. Let the materials be furnished, and our youth will erect a monument more durable than the pyramids; with the additional glory of registering and transmitting its own history to all future times. Let the morning sun of public favor shed abroad its fostering beam upon this Institution, so shall his moonlike splendor and his evening ray sparkle in glory from the fame of LA FAYETTE.

## FACULTY.

The Faculty on whom the Government of the Institution rests, consists of:

Rev. George Junkin, A. M., President, and Professor of Mental and Moral Philosophy, Logic, Rhetoric and Evidences of Christianity.

Mr. Charles F. M'Cay, A. B., Professor of Mathematics and Natural Philosophy.

Mr. James J. Coon, A. B., Professor of the Latin and Greek Languages.

Samuel D. Gross, M. D., Professor of Chemistry, Mineralogy and Botany.

Mr. Daniel Gaston, Business Agent.

Mr. Thomas Pollock, Farmer.

## Trustees.

James M. Porter, President, Thomas M'Keen, Treasurer, Joel Jones, Secretary, Peter Miller, Philip Mixsell, Jacob Weygandt, John Bowes, Christian H. Hunter, Jacob Wagener, George Barnet, John Carey, jr., William Shouse, Peter Ihrie, jr., John Worman, John R. Latimore, Joseph K. Swift, Peter S. Michler, Jesse M. Howell, Philip H. Mattes, George Hess, jr., Hopewell Hepburn, Easton.

George Wolf, Harrisburg.

Robert Patterson, John Hare Powell, Peter A. Browne, Andrew M. Prevost, Benjamin Tilghman, J. M. Scott, Solomon Allen, Philadelphia.

Jacob Kern, Bath.

George Weber, Kreidersville, Anthony M'Coy, Martin's Creek, George G. Howell, do. Northampton co.

Walter C. Livingston, Allentown, Lehigh co.

William Long, Durham, Bucks co.

**THE MARTINS.**—Mr. Trissler, of this city, who has for some years past noted the departure of the purple martins (*hirundo purpurea*) from this neighborhood, has favored us with the following statement, from which it appears that those birds have gone off earlier this season than they did previously within the last nine years.

In 1824 they departed Sept.	15
1825 do	10
1826 do	13
1827 do	17
1828 do	15
1829 do	13
1830 do	11
1831 do	15
1832 do	15
1833 do	4

On the whole, these aerial travellers appear to observe a remarkable regularity in their migratory movements—the greatest variation in these nine years not exceeding thirteen days.—*Lan. Examiner.*

**MILL.**—Among the various improvements which the borough of Norristown, Pa. is now undergoing, the large mill which Mr. Savage is erecting is a very important one. It will be over 145 feet long, and 50 wide; will contain two large water wheels, and all the necessary machinery for a rolling mill, nail factory, and other

iron works. It is expected that this will be put in operation next spring. Several other dwellings will be added to Norristown this fall.

**JEFFERSON COLLEGE.**—By a catalogue of the officers and students of Jefferson College, at Canonsburg, Pa. it appears that there are in that institution, 28 Seniors, 48 Juniors, 54 Sophomores, 53 freshmen, 55 in the preparatory school, and 7 irregulars—total 237.

**THE MERCER POTATO.**—The best of all roots of the potato kind called by this name, is the production of a neighboring state. It has been a question among our farmers for many years, whether it was produced by an improved mode of raising them, or whether it was a foreigner. We are at length able to settle this question by the assistance of a kind friend. He says the species of potato called the Mercer, was originally raised in Mercer county, Penn., by a gentleman by the name of Gilkey, and are there called Naphannocks, from the name of a creek, which passes through that county. About twenty years since, this gentleman planted the apple, or ball of potato, from which has sprung this delightful root.—*Delaware Journal.*

*Two hundred and fifty-four Eels* were taken in a fish basket, about a mile and a half above Mifflintown, on Monday night last. One of them weighed 4½ pounds; and several others were nearly as large.

September 14, 1833.

**MAUCH CHUNK.**—We are happy to learn among other decided indications of the growth of our town, that application has been made for a lot with the necessary water power, for a large Brewery. The applicant, we understand, is an enterprising capitalist from Easton. The sale of the lot in question will include, as we are informed, the only remaining part of the Town Plot at present in the market.

There are several other branches of business to which we should think the place might offer good encouragement, and which from the increase of business of almost every other description, will probably be much wanted. Among other mechanics, it has been suggested to us that a tanner, a chair maker, and a tallow chandler, are much wanted in this place.—*Mauch Chunk Courier.*

**THE OMNIBUS.**—It may not perhaps be generally known that a stage Coach, or to use the more modern term, an *Omnibus*, has recently been stationed at the Mauch Chunk Hotel, for the accommodation of the citizens and visitors at this place who may wish occasionally to take a ride to any of the neighbouring places in this vicinity. Such an establishment has been hitherto very much wanted here, and we have no doubt that the enterprising proprietor, Mr. J. Rice, of Allentown, will be liberally patronized for this valuable accession to the convenience of the place.—*Ibid.*

FRANKLIN, PA. Sept. 7, 1833.

We regret to learn that the fall crops throughout this county have suffered severely from the late frosts. On the night of the 26th ultimo, the frost first appeared, and many fields of corn and buckwheat were totally destroyed, and others more or less injured. The neighboring counties have also suffered from the same cause, and we learn that in Butler county, ice of the thickness of a dollar was formed. The long drought which has visited us, and which has hurt vegetation very much, is at length succeeded by refreshing rains, which we hope will invigorate and revive the crops that yet remain uninjured.—*Democrat.*

**COAL TRADE.**—The Delaware and Hudson Canal Company have loaded with Coal, from the Lackawanna mines, between the first of April and the 1st of September, 150 barges averaging 320 tons each, 11 brigs, 156 schooners, and 384 sloops, making a total of 565 vessels.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 13. PHILADELPHIA, SEPTEMBER 28, 1833. NO. 300.

## GIRARD'S INTESTATE REAL ESTATE.

A pamphlet has lately appeared entitled "THE DECISION OF THE SUPREME COURT OF PENNSYLVANIA RELATIVE TO THE AFTER-PURCHASED REAL ESTATE OF THE LATE S. GIRARD, STATED AND CONSIDERED." After furnishing Sections IX. X. XI. XII. XIII. XIV. of the will, relating to the private Legacies—Section XXII. containing the bequest of 300,000 dollars to the state, and Section XX. relating to the residuary legacy—and the codicils—a schedule of the after-purchased Estate and the amount of Legacies paid, is inserted. Then follows an account of the amicable actions of ejectment entered before the Supreme Court, for the purpose of deciding to whom belongs the property contended for. Those proceedings, and the opinion of the Court, are now inserted.

The following amicable actions of ejectment were entered in the Supreme Court of Pennsylvania, for the Eastern District, on the 8th and 13th of October, 1833.

Louis Vidal and Françoise Fenellon his wife, vs. The Mayor, Aldermen, and Citizens of Philadelphia.	} July, 1832. No. 44.
John Hemphill and Antoinetta his wife, John Y. Clark and Henrietta his wife, and John B. Haslam and Caroline his wife, vs. Same.	} No. 45.
Etienne Girard, vs. Same.	} No. 46.

The following is a copy of the agreements under which they were entered, and also of the cases stated for the opinion of the Court.

### *Amicable action in Ejectment, for the following described Real Estate.*

Two houses and lots on Walnut street, between Second and Dock streets, Nos. 63 and 65, and one house and lot on Dock street, No. 61, purchased October 5, 1831, by the late Stephen Girard.

A lot of land in Passyunk township, containing 60 acres and 87 perches, purchased by the same, October 27th, 1831.

A house and lot on the north side of Coates street, west of Sixth street, purchased by the same, October 27th, 1831.

A lot of ground on the northeast corner of Coates and John streets, purchased by the same, November 2, 1831.

A house and lot in South Third street, No. 48, purchased by the same, November 4, 1831.

A messuage and lot of ground in Passyunk township, having a front on Schuylkill, purchased by the same, December 1, 1831.

Stores, wharf, and dock, in North Water street, be-

tween Market and Arch streets, late Stiles's estate, purchased by the same, December 21, 1831.

It is agreed that the above action be entered to the above term, as if a Summons in Ejectment had been regularly issued and returned served, and that the description of the property, and the dates at which Stephen Girard acquired the same, may be altered and amended according to the deeds.

### *Case stated for the opinion of the Court, as upon a special verdict.*

Stephen Girard, Esquire, late of the city of Philadelphia, Banker, died on the 26th day of December, 1831—scized in fee of all and singular the Real Estate set forth in the agreement to enter the above action, purchased by him at the dates mentioned in the said agreement—having first made and executed his last will and testament, dated the 16th day of February, 1830, and codicils thereto, dated respectively on the 25th day of December, 1830, and the 20th day of June, 1831, duly proved in the Register's office for the City and County of Philadelphia, on the 31st day of December, 1831, [prout will and codicils which are to be considered as part of this case] and leaving at the time of his death, the following named heirs at law.

- 1.—*Etienne Girard*, a brother of the testator of the whole blood.
- 2.—*Antoinetta Hemphill*, wife of John Hemphill, *Henrietta Clark*, wife of John Y. Clark, and *Caroline Haslam*, wife of John B. Haslam; the said Antoinetta, and Caroline being the children of John Girard, deceased, a brother of the testator of the whole blood.
- 3.—*Françoise Fenelon Vidal*, the wife of Louis Vidal, the said Françoise Fenellon being the daughter of Sophia Girard Capayron, deceased, a sister of the testator of the whole blood.

The defendants are in possession of all the said Real Estate. The deeds granting the Estate mentioned to the said Stephen Girard, are to be considered as part of this case.

If the Court shall be of opinion that the said Real Estate, or any part thereof, was devised by and passed under the said will and codicils to the defendants, then judgment to be entered for the defendants, for the whole or such part of the said Estate as was devised and passed. If the Court shall be of opinion that the said Real Estate, or any part thereof, was not devised by and did not pass under the said will and codicils, then judgment to be entered for the plaintiffs, for one undivided third part of the Real Estate, in the agreement mentioned, or for one undivided third part of so much thereof as was not devised by the said will and codicils, to the defendants.

The cases were argued, and

On the 29th March, 1833, judgments were entered in favour of the plaintiffs in each suit, and the following opinion of the Court was drawn up by

GIBSON, C. J.—In the report of the judges on the statutes, nothing is said about the 32 and 54 Hen. 8. which are therefore to be taken as not in force here; but whether they were considered as having never been



so, or, as supplanted by our statute of 1705, can not be positively known. They were most probably thought to be repealed and supplied, as they were entirely within the rule laid down by Lord Holt in *Blankard v. Galdy*, 2 Salk. 411, and repeated by the Privy Council, as appears from the relation of the Master of the Rolls in 2 P. Wms. 75; that an emigrant colony carries with it the laws of the parent to an uninhabited country; or even to one acquired by conquest, so far as regards matters in respect to which the existing laws are silent, or enjoin what is immoral, or are contrary to the religion of the conqueror. It is plain that a country whose entire population has been displaced to make room for the new comers, is an uninhabited country for the purpose of receiving their laws; and it therefore seems singular that the distinguished judge who ruled *Blankard v. Galdy*, should shortly afterwards have held, in a case which involved the legality of slavery, that the laws of England did not extend to Virginia, being a conquered country; and the more so as the laws of the aborigines, if they had any, could not be supposed to have provided for the subject. Be that as it may, our courts have always held that the laws which were in force at the foundation of the colony, and not positively unsuitable to the condition of the colonists, were brought by them hither; and it can not be thought that laws which enabled them to dispose of real estate, were unsuitable. During the twenty-four years that elapsed between the charter and our statute, they could not have been without provision on the subject, and I know of none that was competent to satisfy their necessities but these very statutes; for it will appear in the sequel, that the intervening legislation on the subject of wills, had regard to the proof of the instrument and not the power of the testator, with perhaps the single exception of the act to direct "how the estate of any person shall be disposed of at his death," passed the 10th of March, 1683. By that act, which may be seen in the Appendix to Hall and Seller's edition of the laws, page 9, it was provided: "That whatsoever estate any person hath in this province or territories thereof, at the time of his death, unless it appear that an equal provision be made elsewhere, shall be thus disposed of; that is to say, one-third to the wife of the party deceased, one-third to the children equally, and the other third as he pleaseth; and in case his wife be deceased before him, two-thirds shall go to the children equally, and the other third to be disposed of as he shall think fit, his debts being first paid." In the margin we have these observations by Chief Justice Kinsey: "1. This act seems to restrain the power of devising more than one-third of the lands of which a man died seized. 2. This law, for aught I find to the contrary, continued till the first of the fourth month, 1683, when a law passed authorizing a man to devise all his real estate." This repealing law I have been unable to find. But it is observable that the act of 1683, included land, if at all, only by force of the word "estate" and not of any more specific term; so that it is by no means clear that the inclination of Judge Kinsey's opinion, for he spoke doubtfully, accorded with the true construction or actual understanding of the times. He could not have known by experience the construction put on the act in practice, for his notes were written probably forty years after the repeal of it; and if he had been a member of the profession during that period, he was not till 1730, an inhabitant of Pennsylvania. Granting his opinion to be that land was included, it is pretty evident the crown thought otherwise; for judging from the jealousy evinced by it in the case of much less important innovations. It is scarce to be believed, that it would have tolerated for ten years so violent an infraction of the spirit of the charter which required a conformity of the laws to those of the mother country, as a restriction of the dower of devising to a third of the testator's land, or the dower of his widow to be turned to a fee. But if it were even applicable to land, still it was viewed by the Chief Justice but as

a restraining statute, not an enabling one; and this plainly shows what, in his opinion, was the law before. It was therefore to remove a doubt of the interpretation, or to repeal the law taking the interpretation of the Chief Justice to have been established—in any event to restore the law to its former footing—that the act of which he speaks, was passed in 1693. Of the legislation which took place in relation to proof of the instrument, I shall have occasion to speak again. It seems pretty clear, then, that the English statutes of wills were originally in force with us, and not reported as being so still, only because the judges thought that our own statute was designed to supersede them in their whole extent. Judging of the substitute by its provisions, it might perhaps as easily have been deemed but ancillary to them as performing the same office in regard to them here, by exacting in addition to their requirements the observance of particular solemnities as matter of proof, that is performed by statute of frauds in England. But even as an enabling statute, our act of 1705 was not a new law, but an act of legislation on the basis of an old one, which is therefore to be taken into consideration in the interpretation of inexplicit clauses, because it is reasonable to presume that no departure from the existing law was intended further than is expressed. For this reason it is, perhaps, that the act has always been understood by the profession, in accordance with the British statutes. Had a variance been suspected, it must long ago have been put to the test of judicial decision; but no trace of such suspicion is to be found in our judicial record. It is argued, that whatever the general rule may be, the clauses in the codicils of this will which require real estate acquired subsequently to pass as if it were then the estate of the testator, make the case an exception to it; and the question therefore is not one of intention but of power. But even in the case of a general residuary devise, the intention to pass the estate is taken for granted; and what is there in the specific expression of such an intention here, but a greater degree of certainty in respect to what is in other cases taken for granted? Nothing in the books but the dictum in *Brett v. Rigden*, Plowd. 344, gives color of authority to the supposed distinction. There it is said to have been determined in the 39 H. 6. 18, that if a man devise a certain estate and have nothing in it at the time, but purchase it afterwards, it shall pass; because, as it is said, it must be taken that his intent was to purchase it, and were it not to pass, the will would be void. All this was repudiated by Lord Holt in *Bunker v. Cook*, 11 Mod. 278, as being not even the dictum of a judge, but an assertion of counsel and unwarranted by the book cited for it; in which he is supported by Chief Justice Treby in *Archer v. Bokenham*, 11 Mod. 163. In truth the matter never depended on the actual intent; nor yet, as it was at one time supposed, on the restrictive words of the English statutes, and it is therefore of no importance to the question that those statutes were not reported as in force here. It is true that in *Cutler and Baker's case*, Lord Coke laid great stress on those words; but in *Bunker v. Cook*, or *Broncker v. Coke*, as it is reported in Holt's Rep. 247, it was asserted by Lord Holt that Chief Justice Bridgeman had differed from Lord Coke in attaching importance to those words, in a case determined in the Common Pleas the 16 Car. 2. and that the judges in the Exchequer Chamber were of the same opinion: this too on the relation of Chief Justice Bridgeman himself. But what puts the matter at rest is, that in this case of *Bunker v. Cook*, the rule was applied in all its rigor to lands which were devisable, not by force of the statute at all, but by custom; and the judgment was affirmed in the House of Lords. The doctrine was vigorously maintained in that case as well as in *Buckenham v. Cook* (Holt's Rep. 248) by Lord Holt; and in *Archer v. Bokenham*, by Chief Justice Treby; who together rested it on these propositions: That a will is a species of conveyance, not strictly subject to the rules of conveyances at the common law, it is true, the vesting



of the estate being postponed till the death of the testator; yet operating, as regards his disposing power and capacity, by relation to the making of it, inasmuch as to require his power over the estate to be perfect at the time, just as his capacity must be perfect at the time, it being settled that the want of a disposing mind and memory at the performance of the act of disposition, is not supplied by the restoration of it before the death, for the same reason that an intervening loss of it will not prejudice a disposition unexceptionable at the time—in other words, that the act of disposition must be complete in every respect at the performance of it: That a testator, like any other granter, can not give what he has not; and that the same principle prevails in conveyances to uses though construed liberally like wills, to favor the intention, as in *Yelverton v. Yelverton*, Cro. Eliz. 401, where a father covenanted to stand seized of land which he should purchase: That the form of pleading a devise, the testator always being described as seized at the time of making his will, is strong though not conclusive evidence of the necessity that it shall be so in fact: That the reason why land differs in this respect from personal estate, is that the common law has provided in the event of intestacy, a fixed successor to the one and not to the other, even the statute of distribution being but a direction to the executor how to administer the assets; by reason of which, and the fluctuating nature of personal estate, which is changing every day, a different rule would require a new will to be made every day: That a subsequent purchase giving the land to the testator, is repugnant to the import of the devise which would give it to the devisee; and therefore not to be intended to have been made in subservience to the object of the will: And finally, that there is no case or authority to warrant the opposite doctrine. To the argument of such men as these, it would be presumptuous in me to attempt an addition, and I therefore refer the student to their reasons as stated in the report. The alleged dependence, then, of the doctrine, on the restrictive words of the British statutes being disposed of, it results that the question stands here exactly as it did in England, unless the specific provisions of our own statute be thought to make a difference.

The clause which has been supposed to make this difference, is in the first section. After requiring proof by two witnesses, and establishing a mode for its authentication, it is declared that wills so proved, "shall be good and available in law for the granting, conveying, and assuring, of the lands or hereditaments thereby given or devised, as well as of the goods and chattels thereby bequeathed;" and from the parity of provision thus expressed is inferred an intention to create a parity of operation and effect. That such was not the object, seems manifest from the legislation which preceded it. By the fifteenth law agreed upon in England, it was declared that "all wills and writings attested by two witnesses, shall be of the same force as to lands as other conveyances, being legally proved within forty days, either within or without the said province." This was evidently designed to preclude that provision of the statute of frauds which requires three witnesses, and is worthy of special notice beside, not only for treating wills of land as conveyances, but for putting them on the footing, as to proof, of testaments of chattels, which, by the Canon, and consequently by the English law, require but two. *Lea v. Libb*. 3 Salk. 396. This fundamental law received a regular statutory form from the first Assembly, convened at Upland in 1682, by whom it was enacted as the forty-fifth section of the Great Law, and in the terms in which it had been expressed in England, with the exception of two immaterial words introduced, the last of them evidently by inadvertence. Chief Justice Kinsey's note in the margin is, "This Act as amended in the fourth of Queen Anne, remains to this day." Prov. Laws, App. 7. Now the fourth of Queen Anne, which he pronounces but an amendment,

is the very act under consideration; and it seems clear therefore that he considered the act of 1682, as the law of his day, except so far as it was amended by the Act of 1705. His notes were written certainly after 1713, as they contain a reference to acts passed in the close of that year, and probably after 1730, when he removed from New Jersey to Pennsylvania. He was appointed Chief Justice about the year 1743, and died in that office, according to Proud, in 1750. The Act of 1682, however, was amended only as to the time of proof and the manner of authenticating it, the requisition of two witnesses being preserved. But this is not all. An Act had been passed at New Castle in 1700, (Append. to Prov. Laws, 7,) which expressly following the analogy of conveyances as to the effect of the instrument, required no more than *legal* proof without specifying the number of the witnesses. It therefore had, or might be supposed to have, the effect of putting wills of lands upon a lower footing as to proof than wills of chattels, about which it said nothing, and consequently left them on the footing of the general law. To say the least, it was open to an argument that one witness was sufficient for a will of land as in the case of any other conveyance of land. This Act having been repealed by the Queen in Council, as may be seen in Weis and Miller's edition of the laws, page 18, our present act was passed in the same year, and the requisition of proof by two witnesses restored, with new provisions added as to the mode of authenticating it; and thus the reduction in the quantity of proof made by the Act of 1700, was taken away, and wills of land were again put, as to proof, on the footing of testaments of chattels. It is needless to ask why. It was an express condition of the charter that the laws for the regulation of property should conform, as nearly as might be, to the laws of England, till altered by the provincial legislature; and the same jealousy of innovation which prompted the crown to repeal the act for the abolition of survivorship between joint tenants, passed in 1700, as well as the two acts for barring entails by a deed acknowledged and recorded—the one passed in 1705, and the other in 1710, (Hall and Seller's edition of the laws, Append. 18, 19,)—might on a question of further departure from the statute of frauds, induce it to stickle about a witness more or less. The clause in our statute of wills, to which I have particularly adverted, seems therefore to have reference to the proof and not the effect of the instrument. The first was all that was in contest between the province and the crown. The fifteenth law agreed upon in England, or rather the Act of 1682, remained in force twenty-three years without opposition; and during that time, wills of lands and testaments of chattels stood on the same footing. But no sooner did the act of 1700 reduce the proof of the former, or bring it into doubt, than it was repealed by the Privy Council; and when the present act of 1705 raised it again to the level of the act of 1682, the crown acquiesced. At no time does there appear to have been a disposition to change the effect of a will of lands as understood in England; indeed the very suspicion that such a design was harbored, would have defeated it. On the contrary, the language of all our laws is incomparably more emphatic than that of any Act of Parliament, to show that a will of lands was esteemed a conveyance and no more. This sketch of the legislation, which preceded the act of 1705, and which is here given in the order and nearly in the words of a distinguished counsel, to whose research I am indebted for it, seems to put the intention of the legislature beyond the reach of doubt. The magnitude of the interest in contest, amounting as it does in value to more than sixty thousand dollars, as well as a respect for the doubt suggested by my brother Huston, has induced me to examine the foundations of this part of our law with peculiar care; and the result is a firm conviction, that the real estate acquired subsequently to the two codicils, did not pass by Mr. Girard's will: consequently the plaintiffs are entitled to the succession under the intestate laws.



Judgment for the plaintiffs accordingly.

On the 9th April 1833, the Board of Commissioners of the Girard estate, "*directed the Treasurer to settle the account of the intestate property, with the next of kin of Mr. Girard, and pay over to them the balance in his hands, on account of that estate. Instructions were also given to the agents to deliver to them possession of said property.*"

The pamphlet then contains, some "remarks signed 'R.'" which appeared in the American Sentinel of the 9th July 1833, "upon the above decision; also another article in reply to the preceding by 'K,'" which appeared in the same paper, on the 22d of July; and "a rejoinder by 'R,'" published on the 25th of July. The object of 'R.' is to show that by the "doctrine of election," the legatees could not claim both the intestate estate and the legacies, and that if they received the latter, the former belongs to the mayor and aldermen of the city as residuary legatees; and that the decision of the court only settled the question "whether real estate purchased subsequently to the date of his will by a testator, passed by that instrument;" and it left open all other questions "relative to the title of the heirs to this real estate for future discussion and decision." As our object is, to preserve a history of this matter, we deem it sufficient merely to refer to those articles if they should be hereafter required. Presuming that if there be any serious determination to try the question, it will be judicially decided, and we shall of course then publish the result.

From the Wheeling Gazette.

BY-GONE DAYS.—"I remember when there was no such thing to be seen as a keel boat plying on the beautiful river Ohio; great unwieldy "arks" were used by traders to New Orleans, and for the purpose of conveying emigrants on their pilgrimage to Kentucky. In 1793, when James McLuny of Washington, Pa. and John Halsted from near West Middletown, arrived at our landing in a Barge from Orleans, it was thought by our citizens to be one of the greatest exploits ever performed; it certainly was so, as it respected the navigation of the two great rivers.

I remember when there was no glass of any description made west of the mountains. Col. James O'Hara was the first to establish a green glass manufactory at Pittsburg. It is not forty years since we got all our paper from the east side of the Allegheny; Jackson and Sharpless were the first to commence this branch of business near Brownsville."

#### APPENDIX TO THE FIRST ANNUAL REPORT OF THE BOARD OF TRUSTEES OF LAFAYETTE COLLEGE.

(See Register, page 192.)

#### COURSE OF STUDIES.

##### Freshmen class—First term.

Latin—Odes of Horace.

Greek—Minora, Neilson's Exercises, Roman Antiquities, Mythology, Ancient Geography.

Mathematics—Euclid, First Book.

##### Second term.

Latin—Satires and Epistles of Horace, Cicero's Orations, Roman Antiquities.

Greek—Majora, viz. Zenophon, Herodotus, Thucydides, Neilson's Exercises.

Greek—Antiquities.

Mathematics—Euclid, Second and Third Books, Algebra to Simple Equations.

##### Sophomore class—First term.

Latin—Horace's Art of Poetry, Tacitus' History.

Greek—Majora, viz. First volume completed, Greek Antiquities.

Mathematics—Euclid, Fourth, Fifth and Sixth Books.

##### Second term.

Latin—Tacitus' History.

Greek—Majora, Second volume.

Plain Trigonometry, Algebra through Equations.

Evidences of Christianity.

##### Junior class—First term.

Latin—Cicero de Officiis.

Greek—Majora, Second volume.

Surveying, Mensuration, Conic Sections.

Mental Philosophy, Logic, Evidences of Christianity.

##### Second term.

Greek—Longinus de Sublimitate, Spherical, Trigonometry, Analytic Geometry, Differential and Integral Calculus.

Moral Philosophy, Rhetoric, Natural Theology.

##### Senior class—First term.

Latin—Cicero de Oratore.

Greek—Majora, Medea, Natural, Philosophy, Chemistry, Mental Philosophy, Rhetoric.

##### Second term.

Natural Philosophy, Mineralogy, Botany.

Political Economy, History Review, Mental and Moral Philosophy, and Evidences of Christianity.

##### Preparatory course.

Studies of the Preparatory course—Reading, Writing, Arithmetic to the Cube Root, Geography, Vocal Music, English Grammar. Latin Grammar, Historiæ Sacræ, Viri Romæ, or Historiæ Græcæ, Cæsar, Virgil, Sallust, Mair's Syntax, Greek Grammar, Greek Testament, Greek Minora in part.

##### School Teachers course.

Reading, Writing, English Grammar, Geography, Book-keeping, Vocal Music, Arithmetic, Algebra, Plane Trigonometry, Surveying, Mensuration, Evidences of Christianity, Moral Philosophy.

German Literature (when the Professorship shall have been filled) will constitute a distinct branch, at such stage as will suit the convenience of those young gentlemen who may desire to pursue the study.

##### Conditions.

No Student admitted for less than a term.

For Tuition in the English branches of the Preparatory School, per Term, \$10 00

For Tuition in the Classical and Mathematical branches, 15 00

For Shop room, use of Tools, work and instruction therein, 3 00

For lodging, including room-rent, beds and bedding, and washing the same, 2 00

\* \* The above in advance.

Boarding per week, 1 50

Do. do. at cheap table, 1 25

Or in a Club of Students it may be had for about 1 00

The next winter term commences on the 31st October, and lasts *twenty-four weeks*. The summer term commences after three weeks vacation, and lasts *twenty-two weeks*. The entire charge therefore for the year, of *forty-six weeks*, for tuition, boarding and lodging, use of tools and work, is \$109 00

Or the cheap table, 97 50

Or in the Students Club, 86 00

From which an industrious young man may deduct by labor, 46 00

Leaving for boarding, lodging and tuition, \$63 00, 51 50, or 40 00



## A STATISTICAL TABLE,

Containing the accounts for the names, residence, &c. only of such Students as have been in the Institution six months or more, and who are expected to continue. Day scholars are marked (*d.*) Club boarders (*c.*) Those marked (\*) worked at trades or otherwise irregularly, which accounts for the disparity between the product and the time set down to them. A weeks work is twenty hours.

Students.	Residence.	Age.	Wks. of study	Weeks work.	Entire ch'ge.	Entire allowance for labor.	Grad. studies.	Grad. work.
Jacob Abel	Easton	10	21	4	20,00	1,66	30	50
George Able, <i>d</i>	Do.	14	11	3	10,00	1,04	30	30
John Able, <i>d</i>	Do.	14	11	2	10,00	1,00	50	50
John Adams	Frankfort, Pa.	18	22	14	53,00	13,56	90	75
*James Barber	Warren, N. J.	15	13	4	30,17	6,62	85	65
Andrew Barr, <i>c</i>	Northumber'd co. Pa.	ad	38	44	94,69	61,75	92	90
Aaron T. Burton	Virginia	15	42	10	15,25	6,62	90	20
Zepheniah Butt, <i>c</i>	Columbia co. Pa.	ad	21	10	40,59	13,62	92	80
*James Campbell, <i>c</i>	Juniata co. Pa.	ad	44	39	116,55	53,54	83	90
*Benjamin Carrell, <i>c</i>	Bucks co. Pa.	ad	44	19	114,75	41,45	80	80
*John Carrell, <i>c</i>	Do.	ad	31	13	78,12	35,38	92	88
*Nat. F. Chapman, <i>c</i>	Connecticut	20	22	25	46,73	15,56	90	70
John Cash	Philadelphia	14	8	4	18,07	1,65	45	40
John J. Delatour, <i>c</i>	New York city	17	22	5	38,00	4,24	91	80
Samuel Dickey	Chester co. Pa.	14	19		45,77		75	
Amos Diller	Lancaster co. Pa.	16	22	11	53,00	7,80	91	75
Adam C. Dunham	Georgia	16	22	3	50,00	2,62	60	50
James French, <i>c</i>	Alabama	ad	13	7	31,11	6,89	82	75
*Isaac Hall	Cecil co. Md.	ad	38	16	111,68	83,97	70	95
*Samuel Hamill	Montgomery co. Pa.	ad	41	24	118,87	45,91	95	90
*Charles Harvey, <i>c</i>	Albany, N. Y.	ad	23	15	59,00	27,08	45	65
*Aaron Hoff	Warren co. N. J.	ad	16	22	37,27	28,97	85	90
Owen Hess, <i>d</i>	Easton	13	22		16,00		80	
Lessler Holt, <i>c</i>	Ulster co. N. Y.	ad	13	3	30,80	3,80	09	75
Solon Horn	Easton	18	20	4	48,18	1,38	15	15
*Ambrose Horton, <i>c</i>	Putnam co. N. Y.	ad	34	22	98,40	57,28	85	90
William Howard, <i>c</i>	Philadelphia	ad	26	19	84,56	28,60	85	70
Henry P. Janvier	Salem co. N. J.	20	12	7	28,68	10,12	95	80
Levi Janvier	Do.	18	13	7	28,63	10,12	95	80
*Sidney Layton, <i>c</i>	New York city	20	21	11	47,00	15,05	75	15
*James R. Lewis	Middlesex co. N. J.	ad	7	8	16,86	3,82	85	45
James W. Long	Bucks co. Pa.	20	22	6	20,00	12,18	90	85
*Casper F. Marstin, <i>c</i>	New York city	20	22	5	41,00	9,76	75	65
*T. R. F. A. Mitchell	Alabama	17	43	22	110,69	30,63	73	75
*Henry Morgan, <i>c</i>	Connecticut	ad	41	35	114,02	58,17	75	85
*Thomas S. Moxley	Vermont	ad	22	17	58,77	19,94	90	90
*Robert Nesbit	New York city	ad	16	9	43,56	22,94	90	90
Joseph Newnan	Nashville	15	46	12	121,50	4,04	55	15
Rush Newnan	Do.	20	24	16	71,51	17,67	45	12
Ed. W. Nivin	Delaware	20	26	22	103,45	31,70	85	85
Abner Hayden Nott	Schenectady	ad	25	2	52,78	2,15	75	75
*Robert Osborne	Salem co. N. J.	18	40	27	112,30	38,21	95	80
Robert Petway	Tennessee	19	45	21	124,87	18,48	90	60
*Salmon Phelps	New York	15	7	3	16,12	2,30	87	65
Joshua Phelps, <i>c</i>	Do.	20	7	3	16,12	2,94	90	85
*Charles Ramsey, <i>c</i>	Juniata co. Pa.	ad	43	25	116,62	50,80	85	90
*James Ramsey, <i>c</i>	Philadelphia	19	43	46	100,75	75,85	95	90
*Jacob Rhodes	Do.	ad	32	28	95,96	58,06	40	65
B. F. Randolph	Belvidere, N. J.	16	20	7	48,18	2,90	75	65
Samuel Sherrerd	Do.	16	13	4	31,31	1,99	52	60
John Sherrerd	Do.	13	15	3	31,31	2,00	70	75
Henry Shouse	Easton	14			13,50		78	
*John Smalley, <i>c</i>	New Jersey	20	22	3	47,00	8,48	60	60
*Joseph W. Smith, <i>c</i>	Maine	ad	45	40	112,37	76,08	90	90
*O. W. Stevens, <i>c</i>	Georgia	20	43	26	110,92	58,01	90	90
Jas. R. Struthers	Philadelphia	18	45	23	112,67	22,53	75	60
Sam'l Sturgeon	Pike co. Pa.	11	11	3	26,50	1,17	75	40
Wm. Taylor	N. York city	ad	22	6	53,00	4,50	70	60
John Tenbrook, <i>c</i>	Northumb'd co. Pa.	ad	20	12	46,68	14,33	90	85
A. Townsend	Mifflin co. Pa.	17	22		18,00		95	
*R. J. Tilson, <i>c</i>	Ulster co. N. Y.	ad	21	3	41,83	7,35	95	90
P. J. Timlow	Orange co. N. Y.	ad	19	11	44,02	12,70	90	85
*Benjamin Tyler	Cumberl'd co. N. J.	ad	45	29	125,62	65,06	90	90
*Andrew Tully	Canada	ad	12	12	28,00	30,38	90	95
*C. F. Worrell, <i>c</i>	Newton, N. J.	ad	39	24	107,12	85,76	90	95
*Joseph Worrell, <i>c</i>	Chester co. Pa.	ad	32	46	70,77	87,15	65	90



An inventory of the principal materials wrought up by the Students within the year, namely:—

117,639 feet of lumber which cost	\$1,545 43
640 trunk locks, handles, &c.	240 00
145 pounds of nails,	87 00
Petna and Madress goat skins,	587 00
225 morocco skins,	191 00

*Manufactured Articles.*—610 dry good boxes—151 book boxes—80 quill boxes for cotton factory—132 hat boxes—970 trunk boxes—84 candle boxes—total of boxes, 2037.

640 trunks finished (these are included in the above boxes) 740 lights of sash—10 cultivators—2 wheel barrows—1 cutting box—1 horse rake—10 bedsteads—5 long dining tables—25 study and kitchen tables—2 wash stands—1 kneading trough—1 large writing table—15 benches.

*Garden Labor.*—About ten acres have been cultivated in vegetable, potatoe and corn lots, besides the small gardens at the mansion house.

*Farm.*—One hundred loads of manure hauled and spread, and also 2400 bushels of lime—25 tons of hay cut, cured and taken in—320 bushels of potatoes raised and taken off one and three-quarter acres—8 acres of corn cut—six acres of oats raised and housed—25 acres of wheat and rye harvested and housed.

### A SPLENDID PROJECT.

We insert to-day, a communication which appeared in the *Pennsylvania Intelligencer*, on the subject of *Steamboat Navigation of the Susquehanna*, to which we invite the attention of our citizens. The reasons urged in favor of this project must strike the mind of every one forcibly at once, while it cannot be urged against it, that it will involve the state still deeper in debt, as it is a project for the consideration of Congress, and one that should enlist the support of the members of Congress from New York, Ohio, Michigan, Indiana, and Illinois, and all the states bordering on the Mississippi and Ohio rivers, as well as Maryland and Pennsylvania.

The practicability of making the Susquehanna navigable for steamboats, has long been known. Several years ago a company in Baltimore proposed to the legislature of this state to make the Susquehanna navigable for steamboats from tide water to the New York state line, for the trifling sum of two thousand dollars per mile, about *twelve hundred thousand dollars*. But supposing that it would cost *five times* that sum, the project would be one of the most splendid that could be conceived of, when its extent and consequences are taken into view. It would not be a local, nor sectional, but national improvement. It would extend trade and commerce into the very heart of Pennsylvania, N. York, and Ohio, and carry the products of those states to the "great west," while it would bring to our own doors the products of those states in return. Every village on the banks of the Susquehanna, and every village on the Cayuga lake, the Oswego river and its vicinity, would burst forth with the hum of business—they would become almost seaports in the very interior of our country. Harrisburg, from its location and natural advantages would soon vie with Pittsburg, in wealth and enterprise—the immense mines of anthracite and bituminous coal bordering on the banks of the Susquehanna would find a new market in the colder regions of the north and northwest. Not only our own country, but the cities of Montreal, Quebec, and the whole Canada line would become consumers of the anthracite of Pennsylvania. Should the reader doubt, he need only cast his eye over the map of the state of New York. A canal is already made from Elmira, N. Y. to the head of Seneca Lake, from which issues the Oswego river. This may easily be made navigable to Lake Ontario. This short canal might be enlarged and the river made navigable at a small expense to admit steamboats.

A navigation can thus be opened to Lake Ontario and the river St. Lawrence, and by the Welland canal, to Lakes Erie, Huron, Michigan, and Superior—to the wilderness of the northwestern territory. A canal has been already projected from Chicago near the south western point of Lake Michigan to the Illinois river, which is navigable by steamboats about 6 or 7 months of the year to within 19 or 20 miles of that place. By cutting a canal between these points, a steamboat communication would be opened to the Illinois, Mississippi, Missouri, Yellowstone, Ohio, Cumberland, and Tennessee rivers, to every navigable stream of the west; to New Orleans and the Gulf of Mexico. It would be a perfect and complete inland communication to almost every important place in our country. Every town on the banks of the Susquehanna would become a place of commerce, with her steamboats freighted to almost every part of the country. Every citizen would participate in the benefits of such a magnificent enterprise. The villages of the Susquehanna, in which business is dull during the summer, would be filled with bustle and activity—they would soon grow to the towns of wealth and consequence—they would become markets for all the produce of every description raised by the farmers in their neighborhood and thus extend the advantages of the project to every citizen in the interior of Pennsylvania.

We have made these few hasty remarks to call public attention to the project; and shall resume the subject again when we shall treat it more critically, and at greater length. Editors of papers, in towns on the Susquehanna, and at Elmira, N. Y., are requested to notice the subject.—*Pa. Telegraph.*

From the Harrisburg Intelligencer.

It was truly as well as eloquently observed, by John Sergeant, in our Canal Convention, that "The spirit of improvement was abroad on the earth." It is manifesting itself in every section of our country, and in a few years it will indissolubly connect the immense territory of this Union. The period is rapidly approaching when the national debt will be extinguished, and when the *revenue of the nation* may be applied to the execution of works of internal improvement. It is, therefore, time for the public to reflect upon the most proper objects to which the national funds may be most beneficially applied. As Pennsylvanians, we are interested in no other project half so much as in the *steamboat navigation of the Susquehanna*. The advantages of such an improvement to the country bordering upon the river, would be incalculable. If the Pennsylvania canal be as useful as its friends anticipate, its advantages will be, in a great degree, limited to *the one side of the river*. But a steamboat navigation will benefit both. It may, however, be objected, that this improvement is not a *national* work, to which only the funds of the general government are to be applied. But let it be considered in its extension beyond the limits of Pennsylvania. A canal now exists from the Tioga river to the head of Seneca Lake—and the outlet from that Lake to Lake Ontario, has been already opened out by the state of New York. It will require but an inconsiderable expenditure, to render both communications navigable for steamboats. When on Lake Ontario, the Welland canal, now in successful operation, affords the means of communication with Lake Erie, and thence the extent of navigation can scarcely be conceived. But a connexion can readily be made between Michigan Lake and the Illinois river. The Illinois is already navigable for steamboats, several hundred miles, and in the spring floods, a navigation exists, for river boats, between the river and lake. This channel opened, or a connexion effected between the Maumee and Wabash, and Mississippi, the course of communication for steamboats, between the Chesapeake, the Lakes, and New Orleans, is complete. The immensity of the project and the facility of its execution is sufficient



to excite public attention towards it. But three sections of artificial canal, and neither of great extent, are necessary to complete this extensive circle of improvement—nature has almost accomplished the rest. Can any line of improvement be suggested, which is more truly national in its character? The Union is interested in it—but to the country bordering on the Susquehanna, it is particularly important—its advantages need not be specially observed upon; they will be evident to all. The extent of country interested in the improvement in its *whole extent*, is so great, as to render probable its favorable reception by Congress. Let, therefore, petitions be circulated, and a strong effort made to have it accomplished. Now is the time to press it before any system has been adopted by Congress for the expenditure of the public revenue. It cannot be too soon or too earnestly urged, and perhaps the result may be favorable.

From the Elmira Republican.

In another column will be found an extract from the Harrisburg Telegraph upon the subject of a *Steamboat Navigation of the Susquehanna*, and the extension of Steamboat Navigation, by the Chemung canal to Seneca Lake, through said Lake to the Oswego (Seneca) river, and thence, by the Oswego river, to Lake Ontario. As a farther elucidation of the project, we add some remarks from the Pennsylvania (Harrisburg) Telegraph, of the 28th ult. in which "the Editor of the Elmira Republican is also requested to give such facts in relation to the subject as he may possess."

The navigation of the Susquehanna by steamboats, to Tioga Point, and of the Chemung, 18 miles to this place, present the greatest obstacles to the success of this truly grand enterprise; but, with perseverance and the resources of the nation, we should not dare say the object could not be accomplished. The bosom of the Susquehanna, like that of the Chemung, is broad, and in dry seasons is scarcely so covered with water that it could not be waded for miles, excepting the eddies, and is ruffled by frequent ripples, we are told, as far as Northumberland; yet there is no doubt but, in the driest times there is water enough, could it be confined in a channel of suitable width, to answer the purpose; and that could be done by deepening the channel, removing bars, building embankments, &c, which would require to be so permanently done as to be secure against the ravages of high water, floods, &c.—all which we believe *could* be done, though the expense might be immense.

From Elmira to the summit level of the Chemung canal, six miles, there is a rise of 47 feet; and from thence to the inlet of Seneca Lake, the termination of the Canal, there is a fall of 441 feet. The surveyed route of the canal is 19½ miles. The distance from the canal to Geneva by the Lake is 40 miles, always navigable. The Cayuga and Seneca canal from Geneva to Montezuma, is 20 miles and 44 chains, and the descent is 73½ feet. From Montezuma to Syracuse, a distance of 35 miles, there is a rise of 4 locks and a fall of two feet, making a rise of 20 feet. Then, from Syracuse to Oswego by the Oswego canal, it is 28 miles and a descent of 123 feet; so that the Chemung river at Elmira is 394 feet higher than the Seneca Lake, and 228½ higher than Lake Ontario. The distance from Montezuma to Oswego, by the Oswego river, must be less by considerable, than by the canal, and the distance from Seneca Lake to Sodus Bay cannot be over 35 miles.

Elmira is from	Havanna	18 miles
	Head of Seneca Lake	21
	Geneva	60
	Sodus Bay	95
	Montezuma	80
	Syracuse	115
	Oswego, by canals	153
	Albany	321
	New York	465

Elmira is from	Philadelphia, by the	
	river and canals	374 miles.
	Baltimore	394
	Owego	36
	Ithaca	36
	Bath	36
	Tioga Point	18
	Towanda	36
	Williamsport	72

Ten miles of the Cayuga and Seneca canal is an independent canal, the residue a slack water navigation in the Seneca river. One half of the Oswego canal is also a slack water navigation in the Oswego river. The Oswego river is formed of the Oneida river, which is the outlet of Oneida Lake, and Seneca river.

The water to supply the Chemung canal is obtained from the Chemung river through a navigable Feeder, from the Chimney Narrows in the town of Painted Post, (at which place a dam has been made in the river,) to Horse Heads, a distance of 13 miles. The facilities for enlarging the Chemung canal so as to admit steamboats, are abundant, as also those of improving the navigation of Seneca and Oswego rivers; or for making a large canal from Seneca Lake to Sodus Bay.

From Washington, D. C. to Baltimore, York Haven, Harrisburg, Sunbury, Northumberland, Williamsport, Elmira, and Geneva, to Sodus Bay is almost a straight line: Of this distance a rail road is made to Baltimore; another is projected and partly finished to York Haven; thence to Williamsport there is a canal nearly or quite complete, and from Muncy a steamboat plies to Dunns-town; from Williamsport to Elmira a rail road is chartered, the route surveyed, and the engineer's report, for aught we know is gone to an eternal sleep; from Elmira to Oswego on Lake Ontario, there is now a water communication. The importance of this route for a national road of some kind or other is manifest, it being direct from the Seat of Government and the seaboard to our northern frontier, as appears from former surveys. The travel on such a route as this would be immense. The merchandize, the produce, the salt, plaster, anthracite and bituminous coal from the inexhaustible mines of Pennsylvania, &c. which would be transported on this route would justify the expectations of the most sanguine. Yet on this whole line, there is now only a break of the 72 miles, from here to Williamsport. We advise, if the engineer does not soon make his report, that it be surveyed over by one who will report, so that an estimate may be formed, the books opened, and let the people have a chance to take up the stock, which they would do very quick.

We have now taken a general view of the whole ground and stated such facts as occurred to us as being of importance. We have but to add our best wishes to the success of the enterprise. The importance to Philadelphia, Baltimore, and other places of Pennsylvania and Maryland, of some opening to the great northern and western trade is a sufficient warranty to their untiring and unceasing exertions to effect it.

#### From the Harrisburg Intelligencer. STEAMBOAT NAVIGATION.

Several articles have appeared in our paper in favor of applying to Congress for an appropriation to render the Susquehanna navigable for steamboats. Some persons may doubt of its practicability. A man would once have been thought a fit subject for the madhouse who should have thought of building a bridge over the Susquehanna. There is no doubt of the practicability of this project, and, as it is a national and not a state object, it should be done with national funds. A steamboat is at this moment running forty-mile trips on the Susquehanna, more than one hundred miles above this place. This steamboat cost about \$9,000, and was built by the Boston company, under the direction of an enterprising Pennsylvanian, William P. Farrand,



Esq., to tow arks of bituminous coal from the mines in Lycoming county to Muncy dam. This boat draws but 13 inches of water, and passes up ripples without any difficulty. Not long since, a committee from the north branch was sent to view the operations of this boat, with a reference to establishing a company to run a similar one, from the mouth of the Lackawanna to the New York line. It is said they were perfectly satisfied of its practicability, and that application will be made to the legislature next winter for the incorporation of a company to run steamboats from the northern termination of the canal to the New York line.

Whoever will take the trouble to examine the report of Charles Treziyulny, a Pole by birth; who, as engineer, was employed by the state, to survey and report on the Susquehanna navigation in 1826, will not longer doubt that the funds of the General Government could soon bring steamboats from tide to Harrisburg, and not only to Harrisburg, but through the state of Pennsylvania.

Suppose damming the rivers should be thought impracticable from Middletown to tide, a steamboat canal could be made without as much lockage as the Welland canal which cost about \$2,000,000.

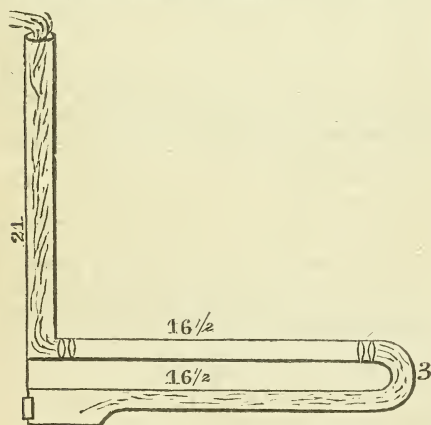
Is it not a great and national object to open a steamboat navigation from the ocean to the lakes?

What a diversion of trade that now passes through the Rideau Steamboat canal, 270 miles in length, from Lake Ontario to Montreal, would this make through the United States! What an incalculable advantage would such a channel of trade be, not only to the Atlantic, but to the western states—such a project accomplished, sloops and steamboats could load in Illinois, Michigan, and Ohio, and unlade at the wharves of the Atlantic cities. We understand that a public meeting will soon be holden in Harrisburg on the subject, and we doubt not but a lively interest will soon be awakened throughout the whole of central Pennsylvania.

From the Commercial Herald.

#### STEAMBOAT ON THE SUSQUEHANNA.

We have at length succeeded in obtaining the following description of the above boat:



Length,	.	.	95 feet.
Beam,	.	.	18 do.
Draft,	.	.	15 inches.
Power,	.	.	35 horse.

Length of boiler and height of chimney, see diagram above.

The flame from an open burning bituminous coal, after enveloping the boilers 35 feet, we are informed, is easily brought out from the top of the chimney, a distance of 56 1/2 feet. Since the introduction of coal, two tons supply the place of eight cords of pine wood. It has been for some time known to the public, that a steamboat has been navigating some of the most rapid waters of the west branch of the Susquehanna during

the present season, with entire success. The result of this enterprise is justly considered of great importance to the state of Pennsylvania. It now appears that there are many hundred miles above the public improvements, which may be navigated by steamboats, calculated to draw an up river trade into the state canals.

There is another circumstance connected with this business, which is highly important to Pennsylvania, and to the Atlantic frontier generally. After a full trial, it is ascertained that a very small quantity in bulk of an open burning bituminous coal, will answer every purpose for generating steam to propel boats, locomotive, and other steam engines. All the trials of bituminous coal for the above purpose, in New York and elsewhere in the United States, have heretofore been unsuccessful, in consequence of confining the heat and flame, thereby melting the grates, and preventing the flame from reaching and acting on the surface of the boilers. The error was in selecting the materials. All these difficulties are removed by the introduction of the above species of coal, which is almost free from bituminous smell. We believe we shall shortly see our locomotive engines propelled by a small quantity of this material, bringing from Columbia thousands of tons for our manufacturers. This is a new product of Pennsylvania. Let our neighbors of New York and the other states, who are now complaining of the enormous price of wood, consider for a moment from where a substitute is to come, to propel their steamboats and other machinery; they will find it in the open burning bituminous coal of Pennsylvania.

**LEONITES AND RAPPITES.**—Among the delusions existing in our section of country, none were more remarkable than those which existed among the members of these two societies. Indeed, it seems exceeding strange that any body of people could, in the very midst of our free and happy society, be so misled as most of these have been. But much as we wondered at the manner in which Mr. Rapp conducted his society so successfully, we were struck with amazement at the blind fanaticism, that enabled a noted imposter, called Leon, to lead off from Mr. Rapp's jurisdiction and government, a large body of the Economy Society. This count Leon we stated was an imposter from Germany, who pretended to be a messenger sent by Heaven for the especial purpose of regenerating the Germans at Economy, and establishing a Zion in the west. The means he took to inveigle the Economites were in keeping with his real character—and suffice it to say, were so ridiculous, so impious, so knavish, that no people but those he gained over, would for a moment treat them seriously. He promised to change rocks into gold; to cause rain or drought when he or his followers pleased; to dress all his believers 'in purple and fine linen,' and to make them 'fare sumptuously every day.' They believed him—they thought, poor souls, that roasted pigeons would fly on their dinner table each day to be eaten—and that all they had to do was to 'eat, drink and be merry;' so they left Mr. Rapp and followed our hero Count Leon. But like many other poor mortals, they were doomed to disappointment. Roasted pigeons did not fly to them—clothes did not fall from the skies ready made for each of them, and worse than all, the rocks that were to have been changed to gold, were soon ascertained to be forty years too young. The Count found out this last fact, and with tears in his eyes informed his followers of it. By degrees things began to wear a bad appearance. Count Leon's followers, located at Philipsburgh, quarrelled with Rapp's followers, located at Economy, ten miles distant; both applied to lawyers, and lawyers, as a matter of course, fleeced both. The Philipsburghers were poorest and have broken first. The Count, with all his heavenly powers, has fled—taking with him a few particular friends. The rest of the Philipsburgh Society is dissolved, and Philipsburgh with its appurtenances is advertised for sale. Such have been the



consequences of blind fanaticism to the honest Germans who left Rapp's Society, and followed Count Leon with a view of bettering their condition. It affords an instructive lesson, not to these Germans alone, but to all who place implicit confidence in fanatic leaders, who live on the credulity of an honest, but too confiding public.—*Pitts. Manufacturer.*

#### THE PRESIDENT'S LETTER, CONTAINING HIS REASONS FOR REMOVING THE PUBLIC DEPOSITS.

*Read to the Cabinet on the 18th of September, 1833.*

Having carefully and anxiously considered all the facts and arguments, which have been submitted to him, relative to the removal of the public deposits from the Bank of the United States, the President deems it his duty, to communicate in this manner to his Cabinet the final conclusions of his mind, and the reasons on which they are founded, in order to put them in durable form, and to prevent misconceptions.

The President's convictions of the dangerous tendencies of the Bank of the U. S. since signally illustrated by its own acts, were so overpowering when he entered upon the duties of Chief Magistrate, that he felt it his duty, notwithstanding the objections of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its re-charter. The opinions expressed in his Annual Message of December, 1829, were reiterated in those of December, 1830, and 1831, and in that of 1833, he threw out for consideration, some suggestions in relation to a substitute. At the session of 1831—2, an act was passed by a majority of both houses of Congress re-chartering the present bank, upon which the President felt it his duty to put his constitutional veto. In his Message returning that act, he repeated and enlarged upon the principles and views briefly asserted in his Annual Messages declaring the bank to be, in his opinion, both inexpedient and unconstitutional, and announcing to his countrymen, very unequivocally, his firm determination never to sanction by his approval, the continuance of that institution or the establishment of any other upon similar principles.

There are strong reasons for believing that the motive of the Bank in asking for a re-charter at that session of Congress, was to make it a leading question in the election of a President of the United States the ensuing November, and all steps deemed necessary, were taken to procure from the people, a reversal of the President's decision.

Although the charter was approaching its termination, and the Bank was aware that it was the intention of the government to use the public deposits as fast as it accrued, in the payment of the public debt, yet did it extend its loans from January, 1831, to May, 1832, from \$42,402,304 24, to \$70,428,070 72, being an increase of \$28,025,766 48 in sixteen months. It is confidently believed that the leading object of this immense extension of its loans, was to bring as large a portion of the people as possible under its power and influence; and it has been disclosed that some of the largest sums were granted on very unusual terms to conductors of the public press. In some of these cases, the motive was made manifest by the nominal or insufficient security taken for the loans, by the large amounts discounted, by the extraordinary time allowed for payment, and especially by the subsequent conduct of those receiving the accommodations.

Having taken those preliminary steps to obtain control over public opinion, the Bank came into Congress, and asked a new charter. The object avowed by many of the advocates of the Bank, was to *put the President to the test*, that the country might know his final determination relative to the Bank prior to the ensuing election. Many documents and articles were printed and circulated at the expense of the Bank, to bring the people to

a favorable decision upon its pretensions. Those whom the Bank appears to have made its debtors for the special occasion, were warned of the ruin which awaited them, should the President be sustained, and attempts were made to alarm the whole people by painting the depression in the price of property and produce, and the general loss, inconvenience and distress, which it was represented would immediately follow the reelection of the President in opposition to the Bank.

Can it now be said that the question of a re-charter of the Bank was not decided at the election which ensued? Had the veto been equivocal, or had it not covered the whole ground—if it had merely taken exceptions to the details of the Bill, or to the time of its passage—if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for the allegation that the question was not decided by the people. It was to compel the President to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, and frankly declared his unalterable opposition to the Bank as being both unconstitutional and inexpedient.

On that ground the case was argued to the people, and now that the people have sustained the president, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinion of others, the President considers his reelection as a decision of the people against the Bank. In the concluding paragraph of his Veto Message he said:—

"I have now done my duty to my country. If sustained by my fellow citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me, ample grounds for contentment and peace."

He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision, so far as it depends upon him.

Of all the substitutes for the present Bank, which have been suggested, none seems to have united any considerable portion of the public in its favour. Most of them are liable to the same constitutional objections for which the present bank has been condemned, and perhaps to all there are strong objections on the score of expediency. In ridding the country of an irresponsible power which has attempted to control the Government, care must be taken not to unite the same power with the Executive branch. To give the President the control over the currency and power over individuals now possessed by the Bank of the U. States, even with the material difference that he is responsible to the people, would be as objectionable and as dangerous as to leave it as it is. Neither the one nor the other is necessary, and therefore ought not to be resorted to.

On the whole, the President considers it as conclusively settled that the charter of the Bank of the United States will not be renewed, and he has no reasonable ground to believe that any substitute will be established. Being bound to regulate his course by the laws as they exist, and not to anticipate the interference of the legislative power, for the purpose of framing new systems, it is proper for him seasonably to consider the means by which the services rendered by the Bank of the United States are to be performed after its charter shall expire.

The existing laws declare, that "the deposits of the money of the United States, in places in which the said Bank and branches thereof, may be established, shall be made in said Bank, or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not immediately after the commencement of the next session the reason of such order or direction."



The power of the Secretary of the Treasury over the deposits, is *unqualified*. The provision that he shall report his reasons to Congress, is no limitation. Had it not been inserted, he would have been responsible to Congress, had he made a removal for any other than good reasons, and his responsibility now ceases, upon the condition of sufficient ones to Congress. The only object of the provision is to make his reasons accessible to Congress, and enable that body the more readily to judge of their soundness and purity, and thereupon to make such further provisions by law as the legislative power may think proper in relation to the deposits of the public money. Those reasons may be very diversified. It was asserted by the Secretary of the Treasury, without contradiction, as early as 1817, that he had power "to control the proceedings" of the Bank of the United States at any moment, "by changing the deposits to the State Banks;" should it pursue an illiberal course towards those institutions; that "the Secretary of the Treasury will always be disposed to support the credit of the State Banks, and will invariably direct transfers from the deposits of the public money, in aid of their legitimate exertions to maintain their credit;" and he asserted a right to employ the State Banks when the Bank of the United States should refuse to receive on deposit the notes of such State Banks as the public interest required, should be received in payment of the public dues. In several instances he did transfer the public deposits to State Banks, in the immediate vicinity of branches, for reasons connected only with the safety of those banks, the public convenience, and the interests of the Treasury.

If it was lawful for Mr Crawford, the Secretary of the Treasury, at that time, to act on these principles, it will be difficult to discover any sound reason against the application of similar principles in still stronger cases. And it is a matter of surprise that a power which, in the infancy of the bank, was freely asserted as one of the ordinary and familiar duties of the Secretary of the Treasury, should now be gravely questioned, and attempts made to excite and alarm the public mind, as if some new and unheard of power was about to be usurped by the Executive branch of the Government.

It is but a little more than two and a half years to the termination of the charter of the present bank. It is considered as the decision of the country that it shall thence cease to exist, and no man, the President believes, has reasonable ground for expectation that any other Bank of the United States will be created by Congress. To the Treasury Department is entrusted the safe keeping and faithful application of the public moneys. A plan of collection different from the present, must therefore be introduced and put in complete operation before the dissolution of the present bank. When shall it be commenced? Shall no step be taken in this essential concern until the charter expires, and the Treasury finds itself without an agent, its accounts in confusion, with no depository for its funds, and the whole business of the Government deranged? or shall it be delayed until six months, or a year, or two years, before the expiration of the charter? It is obvious that any new system which may be substituted in the place of the Bank of the United States, could not be suddenly carried into effect on the termination of its existence, without serious inconvenience to the Government and the people. Its vast amount of notes are then to be redeemed and withdrawn from circulation, and its immense debt collected. These operations must be gradual, otherwise much suffering and distress will be brought upon the community. It ought to be not a work of months only, but of years, and the President thinks it cannot, with due attention to the interests of the people, be longer postponed. It is safer to begin it too soon, than to delay it too long.

It is for the wisdom of Congress to decide upon the best substitute to be adopted in the place of the Bank of the United States; and the President would have felt

himself relieved from a heavy and painful responsibility if in the charter of the Bank, Congress had reserved to itself the power of directing, at its pleasure, the public money to be elsewhere deposited, and had not devolved that power exclusively on one of the Executive Departments. It is useless now to inquire why this high and important power was surrendered by those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight. But as the President presumes that the charter to the Bank is to be considered as a contract on the part of the Government, it is not now in the power of Congress to disregard its stipulations, and by the terms of that contract the public money is to be deposited in the Bank, during the continuance of its charter, unless the Secretary of the Treasury shall otherwise direct. Unless, therefore, the Secretary of the Treasury first acts, Congress have no power over the subject, for they cannot add a new clause to the charter, or strike out one of it without the consent of the Bank; and consequently the public money must remain in that institution to the last hour of its existence, unless the Secretary of the Treasury shall remove it at an earlier day. The responsibility is thus thrown upon the Executive branch of the Government, of deciding how long before the expiration of the charter, the public interest will require the deposits to be placed elsewhere. And, although, according to the frame and principle of our government, this decision would seem more properly to belong to the legislative power, yet as the law has imposed it upon the Executive department, the duty ought to be faithfully and firmly met, and the decision made and executed upon the best light that can be obtained, and the best judgment that can be formed. It would ill become the Executive branch of the Government to shrink from any duty which law imposes on it, to fix upon others the responsibility which justly belongs to itself. And while the President anxiously wishes to abstain from the exercise of doubtful powers, and to avoid all interference with the rights and duties of others, he must, yet, with unshaken constancy, discharge his own obligations: and cannot allow himself to turn aside, in order to avoid any responsibility which the high trust with which he has been honored requires him to encounter, and it being the duty of one of the Executive Departments to decide in the first instance, subject to the future action of the legislative powers, whether the public deposits shall remain in the Bank of the United States until the end of its existence, or be withdrawn some time before, the President has felt himself bound to examine the question carefully and deliberately in order to make up his judgment on the subject: and in his opinion, the near approach of the termination of the charter, and the public considerations heretofore mentioned, are of themselves amply sufficient to justify the removal of the deposits without reference to the conduct of the bank, or their safety in its keeping.

But in the conduct of the Bank may be found other reasons very imperative in their character, and which require prompt action. Developments have been made from time to time of its faithlessness as a public agent, its misapplication of public funds, its interference in elections, its efforts, by the machinery of committees, to deprive the government directors of a full knowledge of its concerns, and above all, its flagrant misconduct as recently and unexpectedly disclosed in placing all the funds of the Bank, including the money of the Government, at the disposition of the President of the Bank, as means of operating upon public opinion and procuring a new charter without requiring him to render a voucher for their disbursement. A brief recapitulation of the facts will justify these charges, and which have come to the knowledge of the public and the President, will, he thinks, remove every reasonable doubt, as to the course which it is now the duty of the President to pursue.

We have seen, that in sixteen months, ending in May,



1832, the Bank had extended its loans more than \$28,000,000, although it knew the Government intended to appropriate most of its large deposits during that year in payment of the public debt. It was in May, 1832, that its loans arrived at the maximum—and in the preceding March, so sensible was the Bank, that it would not be able to pay over the public deposits when it would be required by the Government, that it commenced a secret negotiation without the approbation or knowledge of the Government, with the agents, for about \$2,700,000 of the three per cent. stocks, held in Holland, with a view of inducing them not to come forward for payment for one or more years after notice should be given by the Treasury Department. This arrangement would have enabled the Bank to keep and use during that time the public money set apart for the payment of these stocks.

After this negotiation had commenced, the Secretary of the Treasury informed the Bank, that it was his intention to pay off one-half of the three per cents. on the first of the succeeding July, which amounted to about \$6,500,000. The President of the Bank, although the committee of investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing that the Bank was desirous of accommodating the importing merchants at New York, (which it failed to do,) and undertaking to pay the interest itself, procured the consent of the Secretary, after consultation with the President, to postpone the payment until the succeeding first of October. Conscientious that at the end of that quarter, the Bank would not be able to pay over the deposits, and that further indulgence was not to be expected of the Government, an agent was despatched to England secretly to negotiate with the holders of the public debt in Europe, and induce them by the offer of an equal or higher interest than that paid by the Government to hold back their claims for one year, during which the Bank expected thus to retain the use of \$5,000,000 of public money, which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the Bank, and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the government, then and not before, so much of it as was palpably in violation of the charter was disavowed. A modification of the rest was attempted with the view of getting the certificates without payment of the money, and thus absolving the Government from its liability to the holders. In this scheme the Bank was particularly successful, but to this day the certificates of a portion of these stocks have not been paid, and the Bank retains the use of the money.

This effort to thwart the Government in the payment of the public debt, that it might retain the public money to be used for their private interests, palliated by pretences, notoriously unfounded and insincere, would have justified the instant withdrawal of the public deposits. The negotiation itself rendered doubtful the ability of the Bank to meet the demands of the Treasury, and the misrepresentations by which it was attempted to be justified, proved that no reliance could be placed upon its allegations.

If the question of a removal of the deposits presented itself to the Executive in the same attitude that it appeared before the House of Representatives at their last session, their resolution in relation to the safety of the deposits would be entitled to more weight, although the decision of the question of removal has been confided by law to another department of the Government. But the question now occurs, attended by other circumstances and new disclosures of the most serious import. It is true that in the message of the President, which produced this inquiry and resolution on the part of the House of Representatives, it was his object to obtain the aid of that body in making a thorough examination into

the conduct and condition of the Bank and its branches, in order to enable the Executive Department to decide whether the public money was longer safe in its hands.

The limited power of the Secretary of the Treasury over the subjects, disabled him from making the investigation as fully and satisfactorily as it could be done by a committee of the House of Representatives, and hence the President desired the assistance of Congress to obtain for the Treasury Department a full knowledge of all the facts which were necessary to guide his judgment. But it was not his purpose, as the language of his message will show, to ask the Representatives of the people to assume a responsibility which did not belong to them, and relieve the executive branch of the Government from the duty which the law had imposed upon it. It is due to the President, that his object in that proceeding should be distinctly understood, and that he should acquit himself of all suspicion of seeking to escape from the performance of his own duties, or of desiring to interpose another body between himself and the people, in order to avoid a measure which he is called upon to meet. But although, as an act of justice to himself, he disclaims any design of soliciting the opinion of the House of Representatives in relation to his own duties, in order to shelter himself from responsibility under the sanction of their counsel, yet he is at all times ready to listen to the suggestions of the representatives of the people, whether given voluntarily or upon solicitation, and to consider them with the profound respect to which all will admit that they are justly entitled. Whatever may be the consequences, however, to himself, he must finally form his own judgment where the constitution and the law make it his duty to decide, and must act accordingly; and he is bound to suppose that such a course on his part will never be regarded by that elevated body as a mark of disrespect to itself; but that they will, on the contrary, esteem it the strongest evidence he can give, of his fixed resolution conscientiously to discharge his duty to them and the country.

A new state of things has, however, arisen since the close of the last session of Congress, and evidence has since been laid before the President, which he is persuaded would have led the House of Representatives to a different conclusion, if it had come to their knowledge. The fact that the Bank controls, and in some cases substantially owns, and by its money supports some of the leading presses of the country, is now more clearly established. Editors to whom it loaned extravagant sums in 1831 and 1832, on usual time and nominal security, have since turned out to be insolvent, and to others apparently in no better condition, accommodations still more extravagant, on terms more unusual, and sometimes without any security, have also been heedlessly granted.

The allegation which has so often circulated through these channels that the Treasury was bankrupt, and the Bank was sustaining it, when, for many years, there has not been less on an average, than six millions of public money in that institution, might be passed over as a harmless misrepresentation; but when it is attempted, by substantial acts, to impair the credit of the Government, and tarnish the honor of the country, such charges require more serious attention. With six millions of public money in its vaults, after having had the use of from five to twelve millions for nine years without interest, it became the purchaser of a bill drawn by our Government on that of France for about nine hundred thousand dollars, being the first instalment of the French indemnity. The purchase money was left in the use of the Bank, being simply added to the Treasury deposit. The Bank sold the bill in England, and the holder sent it to France for collection, and arrangements not having been made by the French Government for its payment, it was taken up by the agents of the Bank in Paris with the funds of the Bank in their hands. Under these circumstances, it has, through its organs openly assailed



the credit of the Government; and has actually made, and persists in a demand of fifteen per cent. or \$158,842,77, as damages, when no damage, or none beyond some trifling expense, has in fact been sustained, and when the Bank had in its own possession on deposit, several millions of the public money which it was then using for its own profit. Is a fiscal agent to the Government, which thus seeks to enrich itself at the expense of the public, worthy of further trust?

There are other important facts not in the contemplation of the House of Representatives, or not known to the members at the time they voted for the resolution.

Although the charter and the rules of the Bank both declare that "not less than seven directors" shall be necessary to the transaction of business, yet the most important business, even that of granting discounts to any extent, is entrusted to a committee of five members, who do not report to the Board.

To cut off all means of communication with the Government in relation to its most important acts, at the commencement of the present year, not one of the Government Directors was placed on any one Committee. And although, since, by an unusual re-modelling of those bodies, some of those directors have been placed on some of the Committees, they are yet entirely excluded from the Committee of Exchange, through which the greatest and most objectionable loans have been made.

When the Government Directors made an effort to bring back the business of the Bank to the Board, in obedience to the charter and the existing regulations, the Board not only overruled their attempt, but altered the rule so as to make it conform to the practice, in direct violation of one of the most important provisions of the charter which gave them existence.

It has long been known that the President of the Bank, by his single will, originates and executes many of the most important measures connected with the management and credit of the Bank, and that the Committee, as well as the Board of Directors, are left in entire ignorance of many acts done, and correspondence carried on, in their names and apparently under their authority. The fact has been recently disclosed, that an unlimited discretion has been, and is now, vested in the President of the Bank to expend its funds in payment for preparing and circulating articles and purchasing pamphlets and newspapers, calculated by their contents to operate on elections, and secure a renewal of its charter. It appears from the official report of the Public Directors, that, on the 30th of November, 1830, the President submitted to the Board an article published in the American Quarterly Review, containing favorable notices of the Bank, and suggested the expediency of giving it a wider circulation at the expense of the Bank; whereupon the Board passed the following resolution, viz.

"Resolved, That the President be authorised to take such measures in regard to the circulation of the contents of the said article, either in whole or in part, as he may deem most for the interest of the Bank."

By an entry in the minutes of the Bank, dated March 11th, 1831, it appears that the President had not only caused a large edition of that article to be issued, but had also, before the resolution of 30th November was adopted, procured to be printed and widely circulated, numerous copies of the Reports of General Smith and Mr. McDuffie in favor of the Bank, and on that day he suggested the expediency of extending his power to the printing of other articles which might subserve the purposes of the institution. Whereupon the following resolution was adopted, viz.

"Resolved, That the President is hereby authorised to cause to be prepared and circulated, such documents and papers as may communicate to the people information in regard to the nature and operations of the Bank."

The expenditures purporting to have been made under authority of these resolutions, during the years 1831 and 1832, were about \$80,000. For a portion of these expenditures vouchers were rendered, from which it appears that they were incurred in the purchase of some hundred thousand copies of newspapers, reports and speeches made in Congress, reviews of the Veto Message, and reviews of speeches against the Bank, &c. &c. For another large portion no vouchers whatever were rendered, but the various sums were paid on orders of the President of the Bank, making reference to the resolutions of the 11th March, 1831.

On ascertaining these facts, and perceiving that expenditures of a similar character were still continued, the Government Directors a few weeks ago offered a resolution in the Board, calling for a specific account of these expenditures, showing the objects to which they had been applied, and the persons to whom the money had been paid. This reasonable proposition was voted down.

They also offered a resolution rescinding the resolutions of November, 1830, and March, 1831. This also was rejected.

Not content with thus refusing to recal the obnoxious power, or even to require such an account of the expenditure as would show whether the money of the Bank had in fact been applied to the objects contemplated by those resolutions, as obnoxious as they were, the Board renewed the power already conferred, and even enjoined renewed attention to its exercise, by adopting the following in lieu of the propositions submitted by the Government Directors, viz:

"Resolved, That the Board have confidence in the wisdom and integrity of the President, and in the propriety of the resolutions of 30th November, 1830, and 11th March, 1831, and entertain a full conviction of the necessity of a renewed attention to the object of those resolutions, and that the President be authorized and requested to continue his exertions for the promotion of said object."

Taken in connexion with the nature of the expenditures heretofore made, as recently disclosed, which the Board not only tolerate but approve, this resolution puts the funds of the Bank at the disposition of the President for the purpose of employing the whole press of the country in the service of the Bank, to hire writers and newspapers, and to pay out such sums as he pleases, to what persons and for what purposes he pleases, without the responsibility of rendering any specific account. The Bank is thus converted into a vast electioneering engine, with means to embroil the country in deadly feuds, and, under cover of expenditures, in themselves improper, extend its corruption through all the ramifications of society.

Some of the items for which accounts have been rendered, show the construction which has been given to the resolutions, and the way in which the power it confers has been exerted. The money has not been expended merely in the publication and distribution of speeches, reports of Committees, or articles written for the purpose of showing the constitutionality or usefulness of the Bank. But publications have been prepared and extensively circulated, containing the grossest invectives against the officers of the Government; and the money which belongs to the stockholders and to the public, has been freely applied in efforts to degrade, in public estimation, those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution. As the President of the Bank has not been required to settle his accounts, no one but himself yet knows how much more than the sum already mentioned may have been squandered, and for which a credit may hereafter be claimed in his account under this most extraordinary resolution. With these facts before us, can we be surprised at the torrent of abuse incessantly poured out against all who are supposed to stand in the way of the cupidity or ambition



of the Bank of the United States? Can we be surprized at sudden and unexpected changes of opinion in favour of an institution which has millions to lavish, and avows its determination not to spare its means when they are necessary to accomplish its purposes? The refusal to render an account of the manner in which a part of the money expended has been applied, gives just cause for the suspicion that it has been used for purposes which it is not deemed prudent to expose to the eyes of an intelligent and virtuous people. Those who act justly, do not shun the light, nor do they refuse explanations when the propriety of their conduct is brought into question.

With these facts before him, in an official report from the Government Directors, the President would feel that he was not only responsible for all the abuse and corruptions the Bank has committed, or may commit, but almost an accomplice in a conspiracy against that Government which he has sworn honestly to administer, if he did not take every step within his constitutional and legal power likely to be efficient in putting an end to these enmities. If it be possible, within the scope of human affairs, to find a reason for removing the Government deposits and leaving the Bank to its own resource for the means of effecting its criminal designs, we have it here. Was it expected when the moneys of the United States were directed to be placed in that Bank, that they would be put under the control of one man, empowered to spend millions without rendering a voucher or specifying the object? Can they be considered safe with the evidence before us, that tens of thousands have been spent for highly improper, if not corrupt purposes, and that the same motive may lead to the expenditure of hundreds of thousands, and even millions more? And can we justify ourselves to the people by longer lending to it the money and power of the Government, to be employed for such purposes?

It has been alleged by some as an objection to the removal of the deposits, that the Bank has the power, and in that event, will have the disposition, to destroy the State Banks employed by the Government, and bring distress upon the country. It has been the fortune of the President to encounter dangers which were represented as equally alarming, and he has seen them vanish before resolution and energy. Pictures equally appalling were paraded before him when this Bank came to demand a new charter. But what was the result? Has the country been ruined, or even distressed? Was it ever more prosperous than since that act? The President verily believes the Bank has not the power to produce the calamities its friends threaten. The funds of the Government will not be annihilated by being transferred. They will immediately be issued for the benefit of trade, and if the Bank of the United States curtails its loans, the State Banks, strengthened by the public deposits, will extend theirs. What comes in through one Bank, will go out through others, and the equilibrium will be preserved. Should the Bank, for the mere purpose of producing distress, press its debtors more heavily than some of them can bear, the consequences will recoil upon itself, and in the attempts to embarrass the country, it will only bring loss and ruin upon the holders of its own stock. But if the President believed the Bank possessed all the power which has been attributed to it, his determination would be only rendered the more inflexible. If, indeed, this corporation now holds in its hands the happiness and prosperity of the American people, it is high time to take the alarm. If the despotism be already upon us, and our only safety is in the mercy of the despot, recent developments in relation to his designs and the means he employs, show how necessary it is to shake it off. The struggle can never come with less distress to the people, or under more favourable auspices than at the present moment.

All doubt as to the willingness of the State Banks to undertake the service of the Government, to the same

extent, and on the same terms, as it is now performed by the Bank of the United States, is put to rest by the report of the agent recently employed to collect information; and from that willingness, their own safety, in the operation may be confidently inferred. Knowing their own resources better than they can be known by others, it is not to be supposed that they would be willing to place themselves in a situation which they cannot occupy without danger of annihilation or embarrassment. The only consideration applies to the safety of the public funds, if deposited in those institutions. And when it is seen that the directors of many of them are not only willing to pledge the character and capital of the corporations in giving success to this measure, but also their own property and reputation, we cannot doubt that they, at least, believe the public deposits would be safe in their management. The President thinks that these facts and circumstances afford as strong a guarantee as can be had in human affairs, for the safety of the public funds and the practicability of a new system of collection and disbursement through the agency of the State Banks.

From all these considerations the President thinks that the State Banks ought immediately to be employed in the collection and disbursement of the public revenue, and the funds now in the Bank of the United States drawn out with all convenient despatch. The safety of the public moneys, if deposited in the State Banks, must be secured beyond all reasonable doubts; but the extent and nature of the security, in addition to their capital, if any be deemed necessary, is a subject of detail to which the Treasury Department will undoubtedly give its anxious attention.

The Banks to be employed must remit the moneys of the Government without charge, as the Bank of the United States now does; must render all the services which that Bank now performs; must keep the Government advised of their situation by periodical returns; in fine, in any arrangement with the State Banks, the Government must not, in any respect, be placed upon a worse footing than it now is. The President is happy to perceive by the report of the agent, that the Banks which he has consulted have, in general, consented to perform the service on these terms, and that those in New York have further agreed to make payments in London without other charge than the mere cost of the bills of exchange.

It should also be enjoined upon any Banks which may be employed, that it will be expected of them to facilitate domestic exchanges for the benefit of internal commerce; to grant all reasonable facilities to the payers of the revenue; to exercise the utmost liberality towards the other state banks; and do nothing uselessly to embarrass the Bank of the United States.

As one most serious objection to the Bank of the United States, is the power which it concentrates, care must be taken in finding other agents for the service of the Treasury, not to raise up another power equally formidable. Although it would probably be impossible to produce such a result by any organization of the State Banks which could be devised—yet it is desirable to avoid even the appearance. To this end it would be expedient to assume no more power over them, and interfere no more in their affairs than might be absolutely necessary to the security of the public deposits, and the faithful performance of their duties as agents of the Treasury. Any interference by them in the political contests of the country, with a view to influence elections, ought, in the opinion of the President, be followed by an immediate discharge from the public service.

It is the desire of the President that the control of the Banks and the currency shall, as far as possible, be entirely separated from the political power of the country, as well as wrested from an institution, which has already attempted to subject the Government to its will. In his opinion, the action of the General Govern-



ment on this subject, ought not to extend beyond the grant in the Constitution, which only authorizes Congress, "to coin money and regulate the value thereof;" all else belongs to the States and the people, and must be regulated by public opinion and the interests of trade.

In conclusion, the President must be permitted to remark, that he looks upon the pending question as of higher consideration than the mere transfer of a sum of money from one Bank to another. Its decision may affect the character of our Government for ages to come. Should the Bank be suffered longer to use the public monies, in the accomplishment of its purposes, with the proofs of its faithlessness and corruption before our eyes, the patriotic among our citizens will despair of success in struggling against its power; and we shall be responsible for entailing it upon our country for ever. Viewing it as a question of transcendent importance, both in the principles and consequences it involves, the President could not, in justice to the responsibility which he owes to the country, refrain from pressing upon the Secretary of the Treasury his view of the considerations which impel to immediate action. Upon him has been devolved by the Constitution and the suffrages of the American people, the duty of superintending the operations of the Executive departments of the Government, and seeing that the laws are faithfully executed. In the performance of this high trust, it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the Government, his opinion of their duties under circumstances as they arise. It is this right which he now exercises. Far be it from him to expect or require, that any member of the Cabinet, should, at his request, order or dictation, do any act which he believes unlawful, or in his conscience condemns. From them, and from his fellow citizens in general, he desires only that aid and support which their reason approves, and their conscience sanctions.

In the remarks he has made on this all important question, he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a measure of great national interest, deeply affecting the character and usefulness of his administration; and not a spirit of dictation, which the President would be as careful to avoid, as ready to resist. Happy will he be, if the facts now disclosed produce uniformity of opinion and unity of action among the members of the administration.

The President again repeats that he begs his Cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of Government will have been vain and fruitless. Under these convictions, he feels that a measure so important to the American people, cannot be commenced too soon; and he therefore names the first day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State Banks can be made.

ANDREW JACKSON.

#### MAD RIVER AND LAKE ERIE RAIL ROAD.

We select to-day, from the New York Spectator, a very full account of this great and important contemplated improvement, and of the country through which it passes. This Rail road is a work well worthy the enterprize and public spirit of the citizens of New York;

and will, unless counteracted, direct to that city much of the trade of the fertile and improving country through which it passes. Fortunately, however, for this state, this counteraction may readily be effected; and all the expense, and enterprize, and labor of the citizens of New York, may readily be converted to the advantage of Pennsylvania. Several different plans have been suggested for this purpose. One, which has been strenuously urged by the citizens of Columbiana and Starke counties, Ohio, and by many of the citizens of this city, is the completion of a rail road from this city to Massillon, and its extension in a line nearly due west, to the Mad River Rail road, near upper Sandusky, passing through, or near the county towns of Wooster, Mansfield, and Bucyrus. The distance from Massillon to the rail road would be about ninety miles, making the whole distance from Pittsburg, a little less than two hundred miles. Another plan, is to complete the most eligible connection with the Ohio canal, and then extend a rail road from Cleveland to Sandusky city, along the lake, a distance of about fifty-seven miles by the present road. A third plan is, to complete the best connection with the Ohio canal, and to rely upon the advantage which nature gives us, in contending for the trade afloat on lake Erie, by its earlier opening at Cleveland in the spring, and its long continued navigableness at that place in the fall. The latter plan has the recommendation of being the least expensive, and it can be the more safely adopted because it is of itself a most important improvement, and because, if it should prove insufficient to secure the trade of the Mad River rail road, it would at least secure that of the country through which the canal passes, and might afterwards be perfected by a rail road, either from Massillon, or Akron, or Cleveland, if deemed necessary.

The New York editor takes great credit to his fellow citizens, for their enterprize and public spirit—they well deserve it; and we trust their example will be followed by the citizens of the metropolis of Pennsylvania. —*Pitts Gazette*.

From the New York Spectator of Sept. 9.

Owing to the fortunate position of our city by nature, and the aids she has received from art and industry, it happens that almost every improvement that is made in the interior, whether in this or in the remoter states, redounds to the benefit of New York. All the canals and rail roads that are constructed, do, in effect, by their connection with existing means of communication, facilitate the conveyance of goods from this city to their places of consumption, and of the produce of the country in return. Hence it is, that the people of New York have a direct and palpable interest in giving encouragement to works of internal improvement, far beyond the local limits of our state.

This subject has been brought more directly under our consideration in consequence of perceiving that efforts are about being made to carry into effect a law of the state of Ohio, which was passed in January, 1832, to incorporate "the Mad River and Lake Erie Rail Road Company."

Its style does not disclose to the superficial reader the true character and object of the work, which is to unite the waters of Lake Erie with those of the Ohio river.

The route of this road, as we learn from a western correspondent, will be nearly parallel with the great Ohio canal, seventy or eighty miles west of it, and passes through a section of country unsurpassed for the richness and fertility of its soil, by any other in the union. The beauty of the country may be managed by those acquainted with western scenery; but to such as are unacquainted with the capacity and inexhaustible fertility of our southwestern states, their noble rivers and



streams, fitted for navigation and hydraulic purposes, its boundless prairies and plains, and its majestic forests, an attempt at description would be labour lost. The distance from Sandusky to Dayton, by the course of the road, as laid down in the preliminary survey, which has been completed by the corps of the United States' Engineers detached for the purpose, under the direction of Col. Stansbury, is 153 miles. From Dayton it connects with the Ohio river, at Cincinnati, by means of the Miami canal, sixty five miles. The principal places on the route of the road are Tiffin, Bellefontaine, Urbana, Springfield, and Fairfield. The four first mentioned places are seats of justice, of the counties of Seneca, Logan, Champaigne, and Clark, respectively. The route passes near to Upper Sandusky, in the Wyandot Reserve, the head quarters of the Wyandot Indians. Tiffin is on the Sandusky river, thirty-five miles southwest of Sandusky *city*, (as Sandusky on Lake Erie is called, to distinguish it from Lower Sandusky, Upper Sandusky, Little Sandusky, and several other places in the state, bearing the same soft cognomen,)—thirty-nine miles south of Tiffin, the route crosses the Scioto river, which is here quite a small stream, and from thence to Bellefontaine is twenty-three miles. Urbana is eighteen miles south of Bellefontaine. Between the two last mentioned places, the route crosses the Mad River, along the fertile valley of which it runs for most of the distance to Dayton. Springfield is fourteen miles south of Urbana, and is distant forty-three miles from Columbus. This is a delightful and flourishing town, containing about 1,500 inhabitants, enjoying the advantage of considerable water power, derived from Buck creek, on which are situated several mills; and receiving, at its eastern entrance, the great national road, which passes through the centre of the states of Ohio, Indiana, and Illinois. The route of the road then continues from this point fourteen miles to Fairfield, which is situated nine miles north of Dayton, the point of its proposed termination.

A meeting of the commissioners was held, as we learn, at Springfield, Ohio, on the 31st ult. H. G. Phillips, Esq., of Dayton, President of the Board, General Vance, of Urbana, and Judge Mills, of Connecticut, were appointed representatives of the company, to open the subscription books in the state of New York. These gentlemen will probably visit this state in the approaching month. There was a disposition manifested, as we are informed, at the meeting of the commissioners, by the friends of the project, to take additional stock, sufficient to enable them to organize by the choice of President and Directors. This was overruled, believing it just that foreign subscribers should participate in the choice. New York, Albany, and Buffalo, were the points designated where it was thought the books should be opened, of which it is expected due notice will be given.

We have been thus particular in stating places and distances, that no misapprehension may arise in the minds of our readers. It will be perceived that the distance from Lake Erie to Cincinnati is reduced by this course to 213 miles. By the way of the canal, which unites with the Lake at Cleveland, the distance to Cincinnati is 412 miles.

Hence it will be seen that this improvement is of great importance to the commercial interests of our city; and the capitalists who have embarked in the Schenectady and Utica Rail Road, cannot fail to discern the expediency of giving it encouragement and support.

A struggle is going on for the advantage of the trade of the Valley of the Mississippi, and the country lying intermediate between the father of rivers and the country of the Lakes, including the rich valleys stretching up the navigable streams that in every direction are sprinkled over the fairest portion of the habitable globe. Maryland and Pennsylvania are trying to redeem their lost ground, and to place themselves along side of New

York in works of internal improvement. We, as a state, have much—we have taken a lead in canals and roads that places us in bold relief amongst our sister states; but we have not done enough, if we now suffer the advantage gained to pass away.

From the Kittanning Gazette.

#### ANOTHER REVOLUTIONARY PATRIOT GONE.

Died, at his residence in this borough on Wednesday the 4th instant, in the 89th year of his age, the venerable ROBERT ORR, one of the Associate Judges of this county. Judge Orr was born in the county of Derry, Ireland, and emigrated to the United States in the year 1766, and from that time until the year 1773, resided east of the mountains; in which year he married a young lady by the name of Culbertson, of respectable family, in the (then) county of Cumberland, (now) Mifflin. In the same year, he settled with his wife at Hannahstown, in Westmoreland county. Immediately on the Declaration of Independence, Mr. Orr took a very active part in favor of his adopted country, and as the frontier was at that time unprotected from the excursions, depredations, and cruelties of the savages by any regular force, he was always found foremost in volunteering his services, and in encouraging others to do so.

In the summer of 1781, Gen. Clarke, of Virginia, having determined to make an excursion against the hostile Indians, down the Ohio river, requested Archibald Laughrey to raise in Westmoreland county, 100 volunteers, and on communicating this request to Mr. Orr, he immediately raised a company of volunteers, principally at his own expense, furnishing to those who were unable to do so, out of his own funds all the necessities for the intended expedition. Early in July in the same year, Captain Orr marched his company to Carnahan's block house, where three other companies associated together, to wit: Capt. Campbell's cavalry, Capt. Stokeley's and Capt. Shannon's, of riflemen, and Capt. Orr's, all under the command of Col. Laughrey, with a view of joining Gen. Clarke at Wheeling, who instructed Col. Laughrey that he would wait his arrival there. On arriving at Wheeling, Col. Laughrey found that Gen. Clarke had proceeded down the river, without leaving at the station any means of subsistence for the men, or forage for the horses. Col. Laughrey's regiment, however, proceeded on, with a view of overtaking the main body under Gen. Clarke, until they came near the mouth of the Big Miami, where they were attacked by a body of Indians, three to one in number under the command of the celebrated Capt. Brandt, on the 24th August, 1780. Early in the engagement Capt. Orr received a shot which broke his left arm. Of the whole detachment not one escaped; the wounded who were unable to travel, were all tomahawked on the ground; the remaining few (among whom was Captain Orr) were brutally dragged through the wilderness to Lower Sandusky, regardless of their wounds and sufferings, where he was kept for several months; and the Indians finding that they could not effect a cure, took him to Detroit, where he remained in the Hospital until the ensuing spring, when he was transferred to Montreal, and was exchanged early in the spring of 1783; when the few that remained of Col. Laughrey's regiment returned to their homes. On the 13th July, 1782, (during the imprisonment of the deceased,) Hannahstown was attacked and burnt down by the Indians, and Captain Orr's house and all his property destroyed. On his return to Westmoreland county, in the summer of 1783, Captain Orr raised another company for the defence of the frontier, to serve two months; marched them to the mouth of Bull creek, N. W. of the Allegheny river; built a block house there, and served out the necessary tour.

In the fall of the same year, 1783, he was elected sheriff of Westmoreland county.

In 1805, when Armstrong county was organized for



judicial purposes, Capt. Orr was appointed one of the Associate Judges of the county, which situation he continued to fill with honor to himself, and satisfaction to the community, until his death. Of the deceased it may be said that, as a soldier he was brave and fearless—as a military officer, he was vigilant and kind—as a prisoner, submissive and patient—as an executive officer, he executed judgment in mercy—as a judicial officer, he honestly and faithfully discharged his duty—as a husband he was kind and affectionate—as a father, he was all that a father could be to a child—as a Christian, he was not only by profession, but by practice, that which should exalt the Christian, and set at naught the mocker. As a man, he was kind, benevolent, and charitable, and if even possible to exemplify the command of our Saviour, that “We do as we should be done by,” the subject of this obituary has fulfilled the command.

### SALES OF REAL ESTATE.

Mr. Wolbert's first great sale of Real Estate for the season, took place on Thursday evening of last week, at the Merchants' Coffee House. A large number of persons interested as owners or purchasers, attended the sale, and the prices obtained were such as generally gave satisfaction to all parties. The following are the prices given for the properties.

The three story houses Nos. 175 and 177, Chesnut street, opposite the State House, 25 feet 7 inches front by 178 deep, to a court, subject to a ground rent of \$900 on the whole lot, sold for \$11,450,—equal in fact, the ground rent considered, to \$26,450.

Three two story brick houses and lot, in Lancaster street. Southwark, each 12 feet front by 15 deep the whole lot being 46 feet deep, subject to a ground rent of 72 dollars, on the whole—price 320 dollars, for the three.

A double two story frame house and lot, 20 feet front on Hanover street, Kensington, by 70 feet deep, clear of all incumbrances—price 700 dollars.

The three story brick house and lot, at the northeast corner of Fifth and Lombard streets, 20 feet front on Fifth, and 58½ on Lombard street, with a ground rent of 38 dollars—price 475 dollars. This property now rents for 375 dollars per annum.

The three story brick house, at the southwest corner of Front and Race street, price for houses and lot 13,400 dollars.

The two story brick house, frame shop, and lot of ground, No. 226 Green street, above Fifth, 16½ feet front by 75 deep—price 1700 dollars.

A three story brick store house in the rear, No 127 north Third street, 34 feet front by 195 deep, formerly occupied by Mark Richards as an iron store, and recently by Alexander McCaraher, price 17,500 dollars.

A house and lot in Fifth between Arch and Race streets, 19 feet 2 inches front by 50 feet deep, subject to a ground rent of three pounds currency—price 2,325 dollars.

A quarter section, of land in Starke County, Ohio, 14 miles from Canton, containing 190 acres—price 3 dollars per acre.

The three story brick house and kitchen, No. 37 Coates street, 16 feet front by 67 deep, subject to a ground rent of twenty dollars,—price 2250 dollars.

The frame house and lot, No 125 Brown street, 18 feet by 61—ground rent of \$15 61—price 1100 dollars.

Two two story brick houses and one two story frame house, with the lot 52 feet on Budd street, by 37 feet on Laurel street, price 2500 dollars.

The two story brick store and dwelling No. 366 north Second street, with extensive back buildings, 18 feet front by 115 deep to Lilly alley, subject to ground rent of 24 dollars—price 6700 dollars.

A brick house, with one acre and eleven perches of ground, on the road from Frankford to Nicetown, in

the township of the Northern Liberties—price \$475.

The whole amount of real estate, sales by Mr. Wolbert, on the above evening, was about \$75,000.—*Phil. Gazette.*

EELS.—Twenty-five hundred eels were caught in the Wintermoot wear, on Sunday night last, and secured by Capt. Jeremiah Blanchard, and his sons, Jeremiah and John, whose shares amounted to one thousand of the number. This is said to be the greatest haul caught since the march of Gen. Sullivan's army through this valley, near the close of the Revolutionary war, more than half a century ago; at which time the weary soldiers had a fine feasting on this delicious “genus of creeping fish.”—*Wyoming Herald.*

## THE REGISTER.

PHILADELPHIA, SEPT. 28, 1833.

We have inserted this week, the reasons of the President of the United States assigned to the Cabinet to justify the removal of the deposits from the Bank of the United States. This paper, and the removal of Mr. Duane from the Treasury, have excited a strong sensation in this city.

Several articles will be found in the present number in reference to the navigation of the Susquehanna by steamboats. This, by many, is deemed practicable—and as the object may well be considered of national importance, an appeal is proposed to be made to Congress for assistance in prosecuting an enterprise so very interesting to our state.

### COMMUNICATED.

STEAM TOW BOAT.—It is a matter of public interest that a Steam Tow boat has been procured by an enterprising company of gentlemen in Philadelphia, to be ready at all times to tow vessels to and from the Delaware and Schuylkill rivers; her power is sufficient to bring up a 500 ton ship. She is fired with the *open burning Bituminous Coal of Pennsylvania*, which proves to be a valuable and economical article for this purpose. We hope this commencement of the towing system will be successful, and that at no distant day, boats will be used to facilitate our commerce, to the mouth of the river Delaware.

### COMMUNICATED.

OPEN BURNING BITUMINOUS COAL.—One thousand tons of this article have been recently received from the interior of Pennsylvania. It is found to be very superior coal for air furnaces, steam engines, and many other manufacturing purposes, where a strong heat and an extensive blaze is wanted. It has been tried and highly approved by the air furnaces in Philadelphia: also in several engines, at the U. S. mint, in locomotive engines, steamboats, breweries &c. It is highly recommended by all who have tried it for the above, and various other domestic manufactures.

Printed every Saturday morning by Wm. F. Geddes, No. 9 Library street.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 14. PHILADELPHIA, OCTOBER 5, 1833. NO. 301.

From the Washington Globe.

UNITED STATES BANK.

## REPORT

Of the Government Directors of the Bank of the United States, to the President; relative to the printing expenses of that institution, referred to in the paper read to his Cabinet, on the 18th of September, 1833.

To the President of the United States:

PHILADELPHIA, August 19, 1833.

Sir,—We had the honor to receive your letter of the 3d instant, directing us to examine and report upon the expense account of the Bank of the United States for the last two years. Those of us to whom it was addressed, requested the attendance of our colleague, Mr. M'Eldery, to assist us in the examination. On his arrival, we proceeded to investigate the various charges, and to look into such of the vouchers, on which they were founded, as we had time and opportunity to do. These are so numerous, and embrace so many small items of various kinds, that a full view of them only can be given to you, by transmitting copies, made by some person authorised or requested by you or the Secretary of the Treasury. The time and labor necessary for this mode would have prevented our resorting to it at present, even had you authorised us to do so, for we have believed it would be more consistent with your wishes, that we should at once report the result of our own labors, leaving you to decide, after you shall have been made acquainted with them, whether such a more minute statement of the Expense Account be requisite. We may add, too, that finding the particulars of many expenditures were to be ascertained, only by an investigation of numerous bills and receipts, we requested, at the Board, that the Cashier might furnish such a statement of them as might be susceptible of ready examination; but as this request was not complied with, we were obliged to depend entirely on our own partial inquiries. These facts we mention merely to guard against any deficiency you may observe in our remarks, and any inaccuracies, should there be such, in the details which we communicate.

As the Expense Account embraces the various expenditures for salaries, making and issuing notes, transportation of specie, buildings, repairs, and taxes on real estate, stationary, printing, and contingencies of all kinds—it is necessarily so large and intricate, that we deemed it expedient at present to confine our investigation to that portion which embraced expenditures, calculated to operate on the elections, as they seemed to be the objects of inquiry suggested by you. All expenditures of this kind, introduced into the Expense Account, and discovered by us, we found to be, so far as regards the institution of this city, embraced under the head of Stationary and Printing. To it, therefore, we chiefly directed our inquiries; and an examination of that item of the account, for the last three years, undoubtedly presents circumstances, which, in our opinion, fully warrant the belief you have been led to entertain.

The Expense Account is made up at the end of every six months, and submitted with the vouchers of the Dividend Committee for examination. Commencing with the last six months of the year 1829, we find that

the sum paid for Stationary and Printing amounted to \$3,765 94, which we presume to be the necessary expense of the institution under this item, when no extraordinary disbursements are made. During the year 1830, the expenditures increased to \$7,131 27 during the first, and \$6,950 20 during the last half year, and entries are made in both, of large sums, making together about \$7,000 paid for printing and distributing Mr. M'Duffie's report and Mr. Gallatin's pamphlet. These seem to be the commencement of a system of expenditure, which was the next year immensely increased, and received the sanction of the Board, as appears by the entries on the minute, and two resolutions passed at the close of this year and in the succeeding Spring.

On the 30th November, 1830, it is stated in the minutes, that "the President submitted to the Board a copy of an article on Banks and Currency, just published in the American Quarterly Review of this city, containing a favorable notice of this Institution, and suggested the expediency of making the views of the author more extensively known to the public, than they can be by means of the subscription list—whereupon it was, on motion, resolved, that the President be authorised to take such measures, in regard to the circulation of the contents of the said article, either in whole or in part, as he may deem most for the interests of the Bank." On the 11th March, 1831, it again appears by the minutes, that "the President stated to the Board, that in consequence of the general desire expressed by the Directors at one of their meetings of the last year, subsequent to the adjournment of Congress, and a verbal understanding with the Board, measures had been taken by him in the course of that year, for furnishing numerous copies of the reports of Gen. Smith, and Mr. M'Duffie, on the subject of this Bank, and for widely disseminating their contents through the United States, and that he has since, by virtue of the authority given him by a resolution of this Board on the 30th day of November last, caused a large edition of Mr. Gallatin's essay on Banks and Currency to be published and circulated in like manner, at the expense of the Bank. He suggested at the same time the propriety and expediency of extending, still more widely, a knowledge of the concerns of this institution, by means of the republication of other valuable articles, which had issued from the daily and periodical press—whereupon it was, on motion, resolved, That the President is hereby authorised to cause to be prepared and circulated, such documents and papers as may communicate to the people information in regard to the nature and operations of the Bank."

In pursuance, it is presumed, of these resolutions, the item of stationary and printing was increased, during the first half of the year 1827, to the enormous sum of \$29,979 92, exceeding that of the previous half year by \$23,000, and exceeding the semi-annual expenditure of 1829, upwards of \$26,000. The Expense Account itself, as made up in the book which was submitted to us, contained very little information relative to the particulars of this expenditure, and we were obliged, in order to obtain them, to resort to an inspection of the vouchers. Among other sums was one of \$7,801, stated to be paid on orders of the President, under the resolution of 11th March 1831, and the orders themselves



were the only vouchers of the expenditure which we found on file—some of the orders, to the amount of about \$1,800. stated that the expenditure was for distributing General Smith's, and Mr. M'Duffie's reports, and Mr. Gallatin's pamphlet; but the rest stated generally that it was made, under the resolution of 11th March 1831. There were also numerous bills and receipts for expenditures to individuals, among them of Gales & Seaton, \$1,300 for distributing Mr. Gallatin's pamphlet; of William Fry for Garden & Thompson, \$1,675 75 for 5000 copies of General Smith's and Mr. M'Duffie's reports, &c.; of Jesper Harding, \$440 for 11,000 extra papers; of the American Sentinel \$125 74 for printing, folding, packing, and postages on 3000 extras; of William Fry, \$1,830 27 for upwards of 50,000 copies of the National Gazette, and supplements containing addresses to members of the State Legislatures, review of Mr. Benton's speech, abstracts of Mr. Gallatin's article from the American Quarterly Review, and editorial article on the Project of a Treasury Bank; of James Wilson, \$1,447 95 for 25,000 copies of the reports of Mr. M'Duffie and Mr. Smith, and for 25,000 copies of the address to members of the State Legislatures, agreeably to order and letters from John Sergeant, Esq.; and of Carey & Lea \$2,850 for 10,000 copies of Gallatin on Banking, and 2,000 copies of Professor Tucker's article.

During the second half year of 1831, the item of stationary and printing was \$13,224 87, of which \$5,010 were paid on orders of the President, and stated generally to be under the resolution of 11th March 1831, and other sums were paid to individuals as in the previous accounts, for printing and distributing documents.

During the first half year of 1832, the item of stationary and printing was \$12,134 16, of which \$2,150 are stated to have been paid on orders of the President, under the resolution of 11th March 1831. There are also various individual payments, of which we noticed \$106 38 to Hunt, Tardiff & Co. for 1000 copies of the review of Mr. Benton's speech; \$200 for 1000 copies of the Saturday Courier; \$1,176 to Gales & Seaton for 20,000 copies of "a pamphlet concerning the Bank," and 5000 copies of the minority report relative to the Bank; and \$1,800 to Matthew St. Clair Clarke for "300 copies of Clarke & Hall's bank book."

During the last half year of 1832, the item of stationary and printing rose to \$26,543 72, of which \$6,350 are stated to have been paid on orders of the President, under the resolution of the 11th March, 1831. Among the specified charges we observe \$821 78 to Jesper Harding, for printing a review of the veto; \$1,271 04 to E. Olmstead, for 4000 copies of Ewing's speech, Bank Documents, and Review of the Veto; \$4,106 13 to Wm. Fry for 63,000 copies of Mr Webster's speech, Mr. Adams' and Mr. M'Duffie's reports, and the majority and minority reports; \$285 for 14,000 extras of "the Protector," containing Bank Documents, \$2,583 30 to Mr. Riddle, for printing and distributing reports, Mr. Webster's speech, &c.; \$150 12 to Mr. Finnall for printing the speeches of Messrs. Clay, Ewing, and Smith, and Mr. Adams' report; \$1,512 75 to Mr. Clark for printing Mr. Webster's speech, and articles on the Veto; and \$2,422 65 to Nathan Hale for 52,500 copies of Mr. Webster's speech. There is also a charge of \$5,040, paid on orders of the President, stating that it is for expenses in measures for protecting the Bank against a run on the Western Branches.

During the first half year of 1833, the item of stationary and printing was \$9,093 59, of which \$2,600 are stated to have been paid on orders of the President, under the resolution of 11th March, 1831. There is also a charge of Messrs. Gales & Seaton of \$800, for printing the report of the Exchange Committee.

Having made this examination of the Expense Account, we were not only struck with the large sum that had been expended, under the head of Stationary and Printing, in the two years to which you refer, but also to the

evident necessity there was, that the accounts should be so stated, as to enable the Directors and Stockholders to ascertain the particular sums of money paid, the quantity and names of the documents furnished, and the expenses of the distribution and postage. With this object we stated, at the last meeting of the Board, the result of our examination of the Expense Account, and submitted the following resolutions.

"Whereas it appears by the Expense Accounts of the Bank for the years 1831, and 1832, that upwards of eighty thousand dollars were expended and charged under the head of Stationary and Printing during that period—that a large proportion of this was paid to the proprietors of newspapers and periodical journals, and for the printing, distribution and postage of immense numbers of pamphlets and newspapers—and that about twenty thousand dollars were expended, under the resolutions of 30th November, 1830, and 11th March, 1831, without any account of the manner in which, or the persons to whom the same were disbursed. And whereas it is expedient and proper, that the particulars of an expenditure, so large and unusual, which can now be ascertained only by the examination of numerous bills and receipts, should be so stated as to be readily submitted to and examined by the Board of Directors and the Stockholders: Therefore, Resolved, That the Cashier furnish to the Board, at as early a day as possible, a full and particular statement of all those expenditures, designating the sums of money paid to each person, the quantity and names of the documents printed by him, and his charges for the distribution and postage of the same; together with as full a statement, as may be, of the expenditures on orders; under the resolution of the 30th November, 1830, and 11th March, 1831. That we ascertain whether expenditures of the same character have been made at any of the offices, and, if so, procure similar statements thereof, with the authority on which they were made. That the said resolutions be rescinded, and no further expenditures made under the same."

These resolutions were postponed on the motion of one of the directors, for the purpose of introducing a substitute for them, by the vote of all present, except ourselves, and one other member of the board. The resolution substituted was as follows:—"Resolved, that the board have confidence in the wisdom and integrity of the President, and in the propriety of the resolutions of the 30th November, 1830, and 11th March, 1831, and entertain a full conviction of the necessity of a renewed attention to the object of those resolutions; and that the President be authorised and requested to continue his exertions for the promotion of said objects."

Viewing this as indicating an intention (which was indeed avowed) to continue, and, even, extended, the system of lavish expenditure, and to authorise disbursements, the particulars of which could not be clearly ascertained, either by the board or their constituents. And regarding it also as evincing a desire to encounter our remonstrances, against the constitution of such a system, by a reference to the personal character and motives of the President of the institution (which were not drawn into discussion or question by us) we offered, as an amendment, the following resolutions:—"Resolved that while this board repose entire confidence in the integrity of the President, they respectfully request him to cause the particulars of the expenditures, made under the resolutions of 30th November, 1830, and 11th March, 1831, to be so stated, that the same may be readily submitted to and examined by the Board of Directors, and the Stockholders. Resolved, that the said resolutions be rescinded, and no further expenditures be made under the same." This amendment met with the same fate as our previous resolutions, being rejected by the same vote, and the resolution offered as a substitute was passed.

These, sir, are the circumstances attending the best examination we have been able to make, in regard to



the matters referred to us, by your letter of the 3d inst. Should they not prove sufficiently minute, or our report sufficiently explicit, we must infer from the course pursued by the Board, when our resolutions were submitted to them, that a more exact statement can only be obtained, by an agent directly authorised by the Executive. We have the honour to be,

With great respect, your obedient servants,

H. D. GILPIN,  
JOHN T. SULLIVAN,  
PETER WAGER,  
HUGH M'ELDERY.

#### DAMAGED FLOUR.

The following letters will no doubt be interesting to some of our readers. If they should have the effect of calling the attention of the public to the adulterations which often occur in our flour, a very important object will be obtained.—*Poulson's Amer. Da. Adv.*

TO JACOB GREEN, M. D.

Professor of Chemistry in Jefferson Medical College.

PHILADELPHIA, Sept. 21, 1833.

Dear Sir—A friend in the country, whom I visited yesterday, informed me that on Wednesday last, his whole family became sick from eating a pudding or bread made from wheat flour purchased at a store. The symptoms were violent vomiting and nausea which had not gone off yesterday, with some fever, heat in the throat, debility, &c. Had they had any reason for suspecting that any person desired to injure them, they would have thought the flour to have been poisoned; but having none such, they were at first inclined to ascribe their sickness to the new paint on a room. The number of persons attacked was twelve, and none escaped who had eaten the pudding or the bread.

I brought with me a sample of the flour. If there is any mode of detecting any foreign substance in it without much trouble, I would thank you to apply your tests upon the small parcel I send you herewith, and will be glad to hear the result of your experiments.

I am, very respectfully and truly,

Your friend and servant,

CONDY RAGUET.

Professor JACOB GREEN.

TO CONDY RAGUET, ESQ.

PHILADELPHIA, Sept. 24, 1833.

Dear Sir—

I have carefully examined the wheat flour you sent me last Saturday; and which seems to have produced such noxious effects in the family of your friend. I could not detect in it any mineral poison, which might have occasioned the symptoms which you have described in your letter. From the odour and general appearance of the flour, I should pronounce it unfit for making a wholesome and nutritious bread. The wheat, it is well known, is sometimes infected with a disease which converts the farinaceous part of the seed into a black powder, which often imparts injurious qualities to the bread. Upon scrutinizing the flour with a microscope, I noticed a considerable quantity of a dark powder. Whether our wheat is liable to the disease called the *black* and the *brown* rust, and whether the powder just noticed be this deleterious substance, I have not determined. What is called spurred rye, or *secale cornutum*, is a disease common to several graminiferous plants—perhaps the wheat flour in question may contain this poison. The late Dr. Wollaston notices the case of a family of eight persons, in England, who were much injured by eating damaged wheat,—grain infected with *secale cornutum*. The darnel, a pernicious exotic, now naturalized with us, also injures our wheat flour. The quantity of *spur* in our grain this year is ex-

ceedingly abundant, and well deserves the notice of our citizens. Whether the distressing symptoms described in your letter are to be attributed to the flour or to some other cause, I will not undertake to determine, but the subject of the adulteration of grain is certainly very important, not only in domestic economy, but also in Medical police.

Yours truly,

JACOB GREEN.

From the Pittsburgh Gazette.

#### THE TRADE OF LAKE ERIE.

The interesting account of the Mad River Rail Road, which we published yesterday, commenced with the following paragraph, which we think, merits or requires some comment—

“Owing to the fortunate position of our city by nature, and the aids she has received from art and industry, it happens that almost every improvement that is made in the interior, whether in this or in the remoter states, redounds to the benefit of New York. All the canals and rail roads that are constructed, do, in effect, by their connection with existing means of communication, facilitate the conveyance of goods from this city to their places of consumption, and of the produce of the country in return. Hence it is, that the people of New York have a direct and palpable interest in giving encouragement to works of internal improvement, far beyond the local limits of our state.”

The able editor of the Spectator speaks most complacently of the “fortunate position of that city,” and remarks, very truly, indeed, as matters now stand, that almost every improvement that is made in “the interior, redounds to the benefit of New York.” While we admit that this statement is well founded, just now, yet we must add that the New Yorker does not seem to have given to the subject a thorough consideration—he does not seem to have distinctly ascertained why it is that such improvements as the Mad River Rail Road redound to the advantage of his city.

Twenty years ago there was no outlet from Lake Erie but the St. Lawrence; had the Mad River Rail Road and the Ohio Canal been executed at that time, they would, inevitably, have redounded to the advantage of Montreal and Quebec, because they were situated on the best route of communication with the Ocean, and the trade of the Lake would have pursued that route. The New Yorkers, however, actuated by that shrewd and enterprising spirit which characterizes them, have made a better outlet—an outlet which is more direct, and situated in a more southern latitude, and which is open several weeks earlier and later, every year, than the St. Lawrence, and which, on these accounts, is preferable.

Lake Erie is one great reservoir for the reception, not only of the waters which are conducted to it by streams and canals, but also, of the immense amount of produce which is conveyed to it, either by the natural or artificial routes of conveyance. Here all this produce, the amount of which is already very large, and which must increase with the increase of population and of the facilities of transportation, is collected together, as a noble prize, worthy of the emulation and enterprize of the wealthy cities which are in a position to contend for it. Here it is, all collected in one great mass, and seems to cry out to the cities of Philadelphia, New York, and Baltimore, “win me and wear me,—which ever city opens to me the smoothest and pleasantest road to the Ocean will secure me. I am growing so large that this little Lake will soon be too narrow and contracted for me—open, then, your various routes of communication, and I will at once choose that which is best, and eagerly pursue my way to the broad Atlantic.”

New York at present has the best channel of passage, and of course this great trade seeks this route, not be-



cause *nature* has given that city advantages over Philadelphia, in the struggle for it, but because New Yorkers have been more enterprising. Nature, indeed, has given Philadelphia precisely the same advantage over New York which the latter city possesses over Montreal and Quebec, viz. a longer summer, and longer continued navigableness of its waters.

*Cleveland harbor is open several weeks earlier in the spring than Buffalo.* This is a decisive advantage given to Philadelphia as a boon from nature. Let the capitalists of that city, then, complete a communication from Pittsburg to the harbor, at the mouth of the Cuyahoga, and this immense trade will at once be secured to Philadelphia, simply because produce may, by that route, be afloat on the Atlantic, before it can be stowed away in a canal boat at Buffalo. Complete this connexion, and then the Philadelphia editors may, with great truth, adopt the language of the New York editors, and say, that "every improvement in the interior redounds to the advantage of" Philadelphia.

#### TRADE OF CLEVELAND.

The following extracts from the *Cleveland Herald*, merit the most serious attention of the citizens of Philadelphia, and of Pittsburg, and Pennsylvania. Having lately devoted so much of our columns to this subject, we will not run the risk of tiring the patience of our readers, and submit these extracts, without further comment.—*Pitt. Gazette.*

"*Western Trade.*—The great increase of commerce on these Lakes, is beginning to excite the attention of the citizens of New York, Pennsylvania, and Maryland. It is but a short time since, that vessels of any description, sailed Lake Erie; and, but a few years since the first steamboat entered our harbor. But how great and important has been the change since that period. Now, the Lake is white with canvass—steamboats of any number, and of the largest class, finished in the first style, administer to the comfort and accommodation of the community. The amount of business done upon the Lake, until within a few years past, was so inconsiderable, that it excited little or no interest in the public mind. The construction, however, of the Ohio canal, and the opening of other avenues of commerce, have given an impetus to business, and opened a new field of enterprise, that have produced results which, while they have been fully realized by our own citizens, are beginning to be duly appreciated by those of other states." \* \* \*

"The resources of the west are but *partially developed*—the country is new, and but sparsely populated; and, if such important advantages have been already realized, what may we anticipate for the future. In the year 1825, the number of vessels which arrived at this port, was 75. Of these, 21 were steamboats. The value of the articles exported that year, amounted to only 50,166 dollars—imports, 132,645. Business continued gradually but slowly to increase until the year 1829, when the produce of the Ohio canal gave it a fresh stimulus. The result of that year exhibits an increase over the preceding of more than one hundred per cent. The number of vessels which arrived that season was 314. Of these, 90 were steamboats, and the residue sloops and schooners. The amount of property exported, was \$222,000; that imported, \$568,000. The subsequent year, 1830, exhibits a corresponding increase. The number of arrivals was 775; and the business in proportion. Last year the value of commodities exported, may be a million and a half; and that imported, at two. The number of arrivals at 1,070; of these, 470 were steamboats. From the transactions of the present year, up to the middle of last month, the value of exportations, the present season, may be estimated at about *two millions*; and importations at *four millions seven hundred thousand dollars*. Thus, it will be seen, that the value of our exportations has increased,

in the short space of eight years, from *fifty thousand to two millions*; and the importations from *one hundred and thirty-two thousand six hundred and forty-five dollars, to four millions seven hundred thousand dollars!* What a commentary is this upon the value of internal improvements and the resources of this young but flourishing country! It speaks volumes in favor of the growing importance and value of this trade. *It forms, however, when compared with the aggregate business of the Lake, and the upper Lakes, which are constantly pouring in their rich treasures upon her bosom, but an item of the vast amount.* This trade, which has been so rapidly augmenting, has, as yet, no settled route, or established market. Hence arises the anxiety of the different states to secure, while practicable, the 'golden harvest.'"

From the United States Gazette.

#### IMPROVED ECONOMY OF THE STEAM ENGINE.

It is well known that for some time past the effective power of steam engines, instead of being estimated by horse power, (30,000 pounds raised one foot high in a minute,) has, especially in England been measured by the weight which the engine would raise to the height of a foot during the consumption of a bushel of bituminous coal. The engine of Watt, which, in its day was doubtless regarded, as nearly perfect, was under then existing arrangements, capable of raising on an average about 19.8-10 millions of pounds to that height. The improvement of Woolf, which consisted mainly in employing in one cylinder, steam of a greatly increased elasticity above that used by Watt, and then allowing it to expand in a second cylinder until reduced to atmospheric pressure, gave at once a notable increase of the efficacy of a given quantity of fuel. The nature and effects of expansion were long ago demonstrated by Robinson, yet their application seems but recently to have been successfully combined with other improvements to attain the maximum effect of fuel.

In the number of the Repertory of Patent Inventions for August, 1833, there is an interesting account of some experiments and observations made by Mr. E. Galloway, upon one of those celebrated engines in Cornwall, which have for some years past been the subject of monthly inspection and report. The engine of Wilson at Wheel Town was selected for the trial, and the result was, that in six hours and five minutes, the engine consumed ten bushels of coal, and raised 125½ millions of pounds one foot high or 125½ millions of pounds to the bushel of coal. Hence the improved Cornish engine performs about 6½ times as much work by the consumption of a bushel of coal as the engine of Bolton and Watt. The foregoing data enables us readily to convert the Cornish standard into *horse power*.

Mr. Galloway refers this vast increase of efficiency to five principal causes.

First—The form of the Cornish boilers is cylindrical instead of wagon shaped as in the Bolton and Watt construction—and there is a central tube for the fire—a passage below for the return gas, and then two others along the side for repassing to the back end of the boiler where the chimney is placed.

Second—The management of the fire itself which is large and thick—the fire doors left partly open, and the coals being dusted on the top—but the fire never *stirred or stoked* except about once in 24 hours to remove clinkers.

Third—The use of steam of high pressure say 50 pounds to the square inch, cutting off the communication between the boiler and cylinder after 1-5 or 1-4 of the stroke, and allowing the steam to act expansively through the rest of the course.

Fourth—In covering or clothing the boilers, steam pipes, steam chests, and cylinder with a non-conducting substance, such as straw or saw dust—where *steam on-*



ly can be in contact with the iron, and a mixture of clay and straw where it is exposed to the action of fire.

Fifth—Suspending the action of the piston at the completion of the stroke and allowing time for the perfect condensation of the steam in the cylinder before making the returning stroke.

By the first and second of the above improvements Mr. H. ascertained that the 19 8-10 millions of the Watt engine were increased to 34 2-10 millions. By the fourth or the addition of clothing to the engine, &c. the power added was  $34\frac{3}{4}$  million, making thus far 115 $\frac{3}{4}$ , and by the temporary suspension of the motion to complete the vacuum, he computed that 1-10 of the whole duty on 11 6-10 was added which would swell the total amount to 127 millions or a very little more than he found by actual trial.

W. R. J.

### STEAMBOAT NAVIGATION OF THE SUSQUEHANNA RIVER.

In pursuance of a public call through the newspapers, to the citizens of Harrisburg and its vicinity, friendly to the measure of petitioning Congress for the construction of a steamboat navigation from the Chesapeake to the Lakes, up the Susquehanna river; a large and highly respectable portion of the citizens aforesaid, assembled at the Court House, in said borough of Harrisburg, on Friday evening, the 20th of September, ultimo.

Judge HUMMEL was chosen President, Major Joel Baily, Col. Henry Buehler, Vice Presidents, Charles C. Rawn, and Mordecai M'Kinney, Esqrs. were appointed Secretaries.

George W. Harris, Esq. recurring to the object of the meeting went into a lucid detail of facts, relative to the practicability of accomplishing the proposed object; and showing the immense national importance of such an improvement; he concluded by proposing the following resolutions, which being read, were seconded, and unanimously adopted.

Resolved, as the sense of this meeting, That a steamboat navigation through the Susquehanna river, between the Chesapeake and the Lakes, is a project deeply interesting, not only to the interior of Pennsylvania, but to the nation at large; and being a national work, should be executed with the funds of the General Government.

Resolved, That a similar connexion between the Michigan lakes and the Illinois river, is also an important national enterprise, to the execution of which the means of the nation ought also to be applied.

Resolved, That a committee of fifteen persons be appointed to prepare a memorial to Congress in favor of these projects, and to circulate the same for signature, in such parts of the Union as they may deem advisable.

Resolved, That the same committee be directed to make a report to the public, in relation to these projects, and also, to act as a corresponding committee, and that they perform such other duties as may advance the objects of this meeting.

Henry K. Strong, Esq. addressed the meeting, exhibiting in glowing colors, an interesting relation of numerous facts, as to works of a similar character; he showed the noble advantages of this improvement in times of peace to our trade and the Union, and the still nobler advantages, which would result to us from such an improvement in times of frontier hostilities as enabling us to transport with expedition and advantage, troops and provisions to their required destination.

The following named individuals were appointed by the President, the Committee referred to in the third resolution. The names of the officers of the meeting, viz. Judge Hummel, Joel Baily, Henry Buehler, Charles C. Rawn, and M. M'Kinney, and Henry K. Strong being afterwards added to said committee upon motion.

Judge Hummel,  
Joel Baily,  
Henry Buehler,  
Henry K. Strong,  
George W. Harris,  
Henry Walters,  
Frederick Kelker,  
David Krause,  
Frederick Heisley,  
Jacob M. Halderman,  
Daniel Stine,

Henry Crangle,  
John C. Bucher,  
Dr. A. S. Dean,  
John Geiger,  
Samuel Pool,  
Peter Brua,  
Obed Fahnestock,  
William Duck,  
Charles C. Rawn,  
Mordecai M'Kinney,

Resolved, That the President of this meeting shall have authority to supply any vacancies that may occur in said committee.

Resolved, That the proceedings of this meeting, signed by the officers thereof, be published in all the newspapers of Harrisburg and elsewhere, friendly to the projects in view, or to giving the same publicity.

VALENTINE HUMMEL, President.

JOEL BAILY,

HENRY BUEHLER,

} Vice Presidents.

Attest, Charles C. Rawn, }  
Mordecai M'Kinney, } Secretaries.

From the Philadelphia Gazette.

### PROCEEDINGS OF COUNCILS. SELECT COUNCIL.

Thursday Evening, Sept. 19, 1833.

Mr. Lippincott moved to proceed to the consideration of an Ordinance relative to Will's Hospital. Considerable debate was had on the subject, as to whether Mr. Wills designed the Hospital to be devoted to the use of the blind and lame of the colored population, as well as the white,—Mr. Massey contending that it included both whites and blacks, and Messrs. Toland, Groves, and others opposing such a construction of the testament. The ordinance finally passed the Select Council, and was amended in Common Council, but not returned.

Mr. Toland moved the consideration of an ordinance from the Common Council relative to time keepers in the city. Considerable debate was had on the subject. Mr. Groves desired information respecting the public utility of the measure, and was replied to by Messrs. Neff, Wetherill, Massey, and others. The ordinance was finally passed, as follows:

#### AN ORDINANCE

*Providing for the regulation of Time-Keepers.*

Section 1. Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That Phillip Garrett, Isaiah Lukens, Ellis Clark, Thomas Voight, H. C. Biggs, and D. Weatherly, watch-makers of the city of Philadelphia, be and are hereby appointed a committee to be styled "The Observatory Committee," who shall be empowered to take charge of, and direct the means provided by this ordinance, to regulate time-keepers and chronometers.

Section 2. And be it further ordained and enacted by the authority aforesaid, That it shall be the duty of the Observatory Committee, immediately after the passage of this Ordinance, to make such arrangement with the managers of the school corporation, as may be requisite for the use of their Observatory in Fourth street, and for the accommodation of a clock on which the time shall be recorded, as hereinafter provided.

Section 3. And be it further ordained and enacted by the authority aforesaid, That the said Observatory Committee be, and are hereby authorised and directed to purchase a suitable clock, and provide accommodation therefor, on the premises of said school corporation: Provided, the expense thereof shall not exceed two hundred dollars; and that the Mayor of the city be authorised to draw his warrant on the city treasurer for payment of said expenditure, upon the requisition of the Observatory Committee,



Section 4. And be it further ordained and enacted, by the authority aforesaid, That the Observatory Committee be, and are hereby authorised to appoint, subject to the approval of the councils, a person well qualified for the office, to be styled the "City Astronomer," and allow him a compensation for his services not exceeding two hundred dollars per annum, payable quarterly; and that the Mayor of the city is hereby authorised to draw his warrant on the city treasurer for said salary, upon the requisition of said committee.

Section 5. And be it further ordained and enacted, by the authority aforesaid, That it shall be the duty of the city astronomer, at least three times in each week, when practicable, to make such observations as will enable him to determine the time, and note the same upon such place as may be provided, in legible characters, and to perform such service as may be required by the Observatory Committee, to enable watchmakers to regulate their time keepers.

Section 6. And be it further ordained and enacted by the authority aforesaid, That it shall be the duty of the Observatory Committee, so soon as they shall have carried the provisions of this Ordinance into effect, to make a detailed report of their proceedings and arrangements to councils for their approval.

Enacted into an Ordinance in the city of Philadelphia, this 19th day of September, in the year of our Lord, one thousand eight hundred and thirty-three.

HENRY TROTH,

President of Common Council.

J. R. INGERSOLL,

President of the Select Council.

Attest—ROBERT HARE, Jr.

Clerk of the Common Council.

Mr. Massey offered a resolution to allow an indemnity to the Mayor, for salary paid to the clerk of the Mayor's court for extra services during the year. The resolution was adopted.

#### COMMON COUNCIL.

The President submitted a communication from Britain Cooper, Esq. Treasurer of the Girard Trust, enclosing a statement of the several funds belonging to the Girard estates, up to the present time as follows:

Balance standing to the credit of the College fund,	\$24,048 85
Balance standing to the credit of the fund for the improvement of the eastern front of the city, &c.	15,109 57
Balance standing to the credit of the fuel fund,	35 32
Balance standing to the credit of the residuary fund,	45,622 10
Total amount,	\$84,815 84
Cash in Bank to the credit of the Treasurer,	9,815 84
Cash loaned (temporary) to the Girard Bank,	75,000 00
Total amount available,	\$84,815 84

Mr. Gilder, from the Paving Committee, to whom were referred petitions of citizens, praying that inlets may be made in certain public sewers, reported the following resolutions, which were adopted, and concurred in by Select Council.

Resolved, That the City Commissioners, be and they are hereby instructed, to make two inlets in Locust street, west side of Tenth, under the direction of the Paving Committee, to connect with the Tenth street culvert.

Resolved, That the City Commissioners be instructed to make inlets at the N. E. and N. W. corners of Sixth and Vine streets, under the direction of the Paving Committee.

Mr. Gilder, from the Building Committee on the Girard College, made a report on the subject of the Girard estate, accompanied with a letter from M. Gevelot, the artist, in which he stated his inability to procure the necessary security. The resolution attached to the report, authorised the Building Committee to contract with M. Gevelot, for the construction of the statue, for the sum of \$9000 to be paid when finished; the faithfulness of the likeness to be judged by three artists, mutually chosen. Adopted and concurred in by Select Council.

On Motion of Mr. Akin, the item of business from Select Council, relating to the extension of the culvert in Mulberry street, to Schuylkill river, was taken up and enacted.

On motion of Mr. Gilder, the resolutions of Select Council, in relation to Fair Mount Dam, noticed in our last report, were taken up, considered, and adopted.

On motion of Mr. Gilder, the report from Select Council, in relation to improvements of city property on Schuylkill—published in our last report—was read, accepted, and approved.

On motion of Mr. Morris, the following ordinance from Select Councils, relating to taxes on the Girard estate, was taken up and passed.

#### AN ORDINANCE

##### *Relative to the Taxes on the Girard Estates.*

Section 1. Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That from and after the passage of this ordinance, it shall be the duty of the city clerk, annually, to make correct accounts of all taxes and water rents which may be levied, or become due and payable to the city, on the estates of the late Stephen Girard, by virtue of an ordinance or resolution now in force, or which may hereafter be passed for levying taxes or water rents.

Section 2. And be it further ordained and enacted by the authority aforesaid, That upon the amount due to the city from the said estates, for taxes and water rents, being duly ascertained, the same shall be paid over to the City Treasurer by the Treasurer of the Girard estates, on orders drawn by the Mayor for the amount thereof.

Section 3. And be it further ordained and enacted by the authority aforesaid, That the taxes and water rents aforesaid shall not hereafter be entered in the tax books, nor placed in the hands of collectors of taxes or water rents for collection.

Enacted into an Ordinance in the city of Philadelphia, this 19th day of September, in the year of our Lord, one thousand eight hundred and thirty-three.

HENRY TROTH,

President of the Common Council.

J. R. INGERSOLL,

President of the Select Council.

Attest—ROBERT HARE, Jr.

Clerk of the Common Council.

On motion of Mr. Gilder, Common Council proceeded to the consideration of the ordinance from Select Council, relating to the government of the Will's Hospital, for the Lame and Blind. The ordinance was adopted with sundry amendments, and returned to the Select Council for their concurrence.

Adjourned until next Thursday evening.

#### GAS LIGHTS.

The following letter from Professor Hare, on the subject of Gas Lights, was presented to the last meeting of Councils, by Mr. Massey:

Dear Sir,—Having been called upon repeatedly to sign petitions against the expediency of having the city lighted with Gas, which I did not sign because I con-



ceived them not to be in all respects correct, and having been under these circumstances requested by you to communicate my opinions respecting the project in question, I conceive myself warranted in yielding to the request.

In a country copiously and cheaply supplied with bituminous coal, of a kind suitable for evolving carburetted hydrogen of a good quality, and where there is a large consumption of coke, there may be great economy in saving, by means of the gas-making process for the purposes of illumination, the carburetted hydrogen otherwise wasted in coaking; but I question if it be expedient, or economical, in places where such coal is neither so cheaply, nor so copiously supplied, as to render it profitable to cook it to a large extent. In such cases, carburetted hydrogen for gas lighting, must be made from oil, or the resinous products of the pine. I know of no other substances which have been, or could be employed advantageously, and which are at the same time, to be procured in sufficient quantity.

Since oil can be burned in lamps, I have never believed that it could be economical to erect gas works to obtain light from it. Pitch, tar, and rosin are obtained by the destruction of forests which are not in the way of being renovated or replaced. If the consumption should increase, the price of these articles might be much enhanced.

I am strongly under the impression from all that I know of gas lighting, that it would be inexpedient for the corporation of a city to assume the business directly, and upon the whole, for one, I would rather be without gas, than endure the inconveniences attending its introduction.

Were the business of lighting the city with gas conceded to a company, it must be evident that there must arise a monopoly, since two companies cannot well be allowed to compete in the same district. Yet the employment of the gas could hardly be optional with persons in trade. If A opens his shop at night, and lights it expensively, B, C, and D, his neighbors, in the same business, must follow suite, however unwillingly. Meanwhile, if the affairs of the company are badly managed, an extravagant price, comparatively with oil, may be necessary to produce to the stockholders a reasonable profit.

It is not true, as alleged in one of the petitions, that the gas is as ignitable as gunpowder. Per se it cannot be ignited so as to burn or explode, but when mixed with atmospheric air, in a proportion no greater, I believe, than the 30th of the mass, it is in one sense more ignitable than gunpowder. With care, a candle might be safely burned for any length of time in a room strewed with gunpowder; but could not without destructive consequences, be introduced for an instant into a room containing a 30th of its volume of the gas in question. By pure carburetted hydrogen, the maximum of explosive effect would be produced when present in the ratio of one-sixteenth, but an injurious inflammation might be excited in a mixture containing much less of this inflammable matter.

During our hot weather, the purity of air and water is of more than usual importance. At such times the effluvia of extensive gas works, must contaminate the air of the neighborhood to a sensible extent, and in a lesser degree may widely diminish its salubrity, although its presence may not be perceptible.

In a yard, at the distance of about half a square from the gas light establishment at the Masonic Lodge, the well water, while perfectly clear and colorless, was perceptibly imbued with the well known odour of the products evolved during the generation of gas.

I am not surprised that younger men should be sanguine in their views of this question; I was an advocate for gas lighting at one time myself, but my imagination received a lesson from experience. After an experiment made with my assistance by the liberal corporation in the city of New York, I could not conscientiously, and consequently,

did not recommend the prosecution of gas lighting by them, and as a company seemed disposed to undertake it, I willingly relinquished the ground, from a conviction that it could not prove more economical to employ gas than oil. At that time, cheapness was the only basis upon which the project could receive patronage. I am under the impression that the profit which has accrued to the company in New York, has arisen upon a basis totally different from that of economy. Fashion, ostentatious rivalry, and convenience, have induced consumers to resort to the gas lights, even at a much greater expense than that of an equivalent number of lamps. I have been told that there has been much gain in the sale of the fixtures by the company; respecting these facts, I may be incorrectly informed, and possibly more accurate information may be in possession of our Councils. If not, the truth may be, and no doubt will be reached, before any final decision is made. I should recommend to have it ascertained how far an accumulation of condensed moisture in the form of ice, especially, has been an obstruction occasionally to gas pipes.

I am sir, with consideration, your ob't servant,

ROBERT HARE.

#### SELECT COUNCIL.

Thursday evening, Sept. 26, 1833.

The following communication from the Indigent Widow's Society, was received, and referred to the Paving Committee.

To the Select and Common Councils of the City of Philadelphia.

The memorial of the Managers of the Indigent Widow and Single Women's Society of the city of Philadelphia, respectfully sheweth,

That in the year eighteen hundred and nineteen, your memorialists erected at great expense a house for the reception and accommodation of the objects of the charity for which this Society was instituted, on the north side of Cherry street, between Schuylkill Fifth and Sixth streets, in the city of Philadelphia. That at the time of the erection of the said building, the said Cherry street had been surveyed and the level thereof in front of the site of the said house ascertained and fixed by the proper city authorities, and the building was erected in conformity with the regulations prescribed by them, and so continued unaltered until the present year. That in the course of the present year a new regulation of the said Cherry street has been made, under the authority of your Honorable bodies, in consequence whereof the level of the street in front of the said building has been sunk about three feet, and it has been necessary only to repave the street (which your memorialists have received notice to do) but also to remove the marble steps at the front door, and make considerable alterations in the house, to accommodate it to the present regulations of the street—which cannot be done without considerable expense.

Your memorialists further represent that the said Society is a benevolent institution—depending for its support entirely upon the voluntary contributions of the charitable, and that its funds are so small as to be barely sufficient to defray the necessary current expenses of the institution, and that they have no means whatever to pay for the above mentioned alterations—unless by an appeal to the liberality of the public or of charitable individuals.

They therefore respectfully request your Honorable bodies to take their case into consideration, and grant them relief by defraying the expense thus necessarily incurred in consequence of this unforeseen alteration of the street, without any default on the part of your memorialists. By order of the Board.

CATHERINE CHEW, 1st Directress.

E. KEPPELE, Secretary.

On motion of Mr. Groves, the report of the committee



relative to making the Schuylkill Permanent Bridge a free bridge, was referred to the early consideration of the next Councils; the same motion was made by Mr. Lippincott, with respect to lighting the city with gas, and by Mr. Groves in relation to the Rail Road along Market street.

A message was received from Common Council stating their concurrence in the ordinance relative to Wills' Hospital, which, with amendments, finally passed both Councils. [See page 221.] A message was also sent from Common Council, that the body concurred in the resolution allowing \$500 to the Mayor for clerk hire.

Mr. Massey presented the following report of the committee on the Delaware Avenue, which was laid on the table.

*The Committee on Delaware Avenue, beg leave to report:* That they have spent much time in examining and deliberating, upon the important subject of laying out a *passage or street*, along the *Eastern front* of the *City*, in accordance with the *will and intention* of the late *Stephen Girard*, and when they reported the ordinance, now before Councils for consideration, with a plan of the whole city front, made under the direction of the committee, by Samuel Hains, City Surveyor, laying out the Delaware Avenue twenty-six feet wide, it was considered the least possible width that it could be laid out to answer the purpose; as twenty-one feet were intended for a cartway, and five feet for a footway, which they consider indispensable, the object of fixing the cartway twenty-one feet, was, that two vehicles might pass each other, when another was loading or unloading, which is very important, in such a great thoroughfare as the Delaware front is. As there has been a memorial recently presented to Councils, signed by a number of owners and occupiers of wharf property, objecting to, and remonstrating against the passage of the ordinance as aforesaid, with a letter also from Paul Beck, jr. who did not think proper to sign the memorial, (although by far the largest wharf holder in the city,) for reasons which he has not stated, the committee have thought proper, under existing circumstances, not to act upon the present ordinance, so late in the season.

The committee were actuated by motives entirely for public good, that was their paramount object, and the plan they adopted was considered by them as laid out with as little inconvenience to individuals who own wharf property, as the nature of the case would admit of; for the improvement must be viewed and considered for the public good, as designed by the testator, who required by his will that it should be laid out not less than twenty-one feet wide—they, therefore, recommend to the early attention of the next Councils, this important subject, and exceedingly regret, that any thing has occurred to postpone the present ordinance and plan from being carried into execution, which they have every reason to believe, would be found to give as much satisfaction, as any other that could be adopted.

On motion of Mr. Lippincott, the Select Council proceeded to the consideration of a resolution appropriating \$40,000, from the Girard Estate, for city purposes. The resolution was adopted in the Select, but did not pass the Common Council.

#### COMMON COUNCIL.

Mr. Gilder presented a petition praying that Oak street, in front of Penn Square, may be curbed and paved. Referred to the Paving Committee.

Mr. Chandler presented a petition from Thomas McGrath, praying Councils to accept a substitute for one of his sureties, for money borrowed from the Franklin Legacy. Referred to the committee on Franklin and Scott's Legacies.

Mr. Elliott presented a petition from sundry citizens residing in the neighborhood of Schuylkill Front and Vine street, complaining of the Public Dog House, as

an intolerable nuisance, and praying that the same may be speedily removed. Referred to the committee on Logan and Penn squares.

A communication was received from Matthew Walker, inquiring whether the lot of ground belonging to the city, situate on the south side of Vine street, between Schuylkill Front and Second, is for sale, and at what price—and also inquiring the price of the lot upon which the Dog House is located. Referred to the committee on Logan and Penn squares.

Mr. Chandler offered the following resolution which was adopted, and concurred in by Select Council.

Resolved, that the commissioners of the Girard Estate be, and they are hereby directed to take legal measures for ascertaining the rights of the city in the intestate Estate of the late Stephen Girard.

Mr. Chandler called up for consideration, the report and resolutions of the Select Council, in relation to the fitting up of the old Engine House at Fair Mount, which were agreed to.

Mr. Mai land from the committee to whom was referred the petition of M. Wolf, praying for a salary for his services as Messenger to Councils, reported the following resolution, which was agreed to, and concurred in by Select Council.

Resolved, by the Select and Common Councils, that the Mayor be authorized to draw his warrant on the City Treasurer in favour of Michael Wolf, for One Hundred Dollars, and charge the same to appropriation No. 21.

Mr. Borie from the Committee of Accounts, to whom was referred Mr. J. B. Sewell's bill, reported a resolution in his favour, for the sum of thirty dollars.—Adopted and concurred in by Select Council.

**FLAT ROCK BRIDGE.**—We are informed that on the 19th Sept. last. as two marble wagons with thirteen horses attached, belonging to Mr. Thomas Morgan, were crossing the Flat Rock Bridge, above Manayunk, on their return from the city, the Bridge, which was shortly to be taken down for the purpose of the erection of a new one, upon its site, gave way, and carried the whole with it, some twenty or thirty feet into the Schuylkill. Five horses were killed on the spot, and another died the next day. Both the drivers were precipitated with the general mass, and were badly injured—of one of which there is scarcely any hopes of surviving. The loss of Mr. Morgan, by this sad accident, is estimated at from 1000 to 1200 dollars, which we understand will be made up for him, either by the bridge company, or the public, or perhaps both united.

¶ Since writing the above, we have been informed, that the carter most injured, died on Sunday.—*Germ. Telegraph.*

**MAUCH CHUNK.**—It may not be amiss for us to correct an erroneous impression which may have been conveyed by our statement last week upon information we had received, that application had been made for the last remaining lot of the Town Plot at present in the market, as we perceive that the entire article is copied into some of the city papers. By the statement referred to, we intended merely the vacant lots offered for sale by the Lehigh Coal and Navigation Company, fronting on Market square. There are several second hand lots held by individuals, that may perhaps be purchased at a fair price, on the square, besides a number of the lots with buildings thereon, owned by the company, in the rows on each side of Broadway.

We are also informed that since the arrival of the Board of Managers, several additional lots have been placed in the market, among which are a number of eligible situations for business on Berwick street, between the store of M'Connel, Foster, and Broaderick, and the Mauch Chunk Hotel, besides the remaining lots in Market Square and Broadway.—*Mauch Chunk Courier.*



From the Journal of the Franklin Institute.

*Observations on some points relating to*  
**THE CONSTRUCTION OF RAIL ROADS.**

BY THE EDITOR.

The number of rail roads which are being constructed, and the still greater number which it is proposed to construct in our country, render it specially important that all the information which our short acquaintance with this mode of conveyance has afforded, should be as extensively diffused as possible. The question of the utility of rail roads for the general conveyance of merchandise and of passengers, may now be considered as settled; but we have much to learn as respects the best mode of constructing them so as to insure their durability, whilst the necessary attention is paid to economy in the first instance. There are but few situations in which rail roads can be carried to any great extent, without a very large outlay for grading, and for building bridges and culverts, their utility is necessarily so dependent upon their near approach to a level, that but little diminution of their cost is to be anticipated so far as these points are concerned. Not so, however, as regards the kind of rails which it is best to employ, the sort of foundation upon which they should be laid, and the best mode of fastening them so as to insure their permanence. The present notice will be principally confined to one or two points connected with the latter part of the subject.

On the Baltimore and Ohio rail road, the plate rail has been exclusively used, and the same has been most generally adopted in other places. These iron plates, which are usually about two inches and a quarter wide, and five-eighths thick, were at first laid upon rails of wood, to which they were securely fastened by nails; it was generally believed, however, that a foundation consisting of sills of granite, or other hard stone, in place of the wooden rail, would, by its permanence, more than repay the extra cost of it in all situations where it could be readily procured; on the road first named it was therefore adopted, after carrying the wooden rails to the quarries where such stone could be obtained. It is believed that not the slightest doubt existed on the minds either of the engineers or the directors, of the superior utility of stone in every respect; and, in conformity with this opinion, many miles have been laid with it, and the iron rails carefully secured thereto. In riding over this road, the moment of passing from the wooden to the stone rails can be at once both heard and felt by the passengers in the car. Upon the wood the sound is less harsh, and the vibration less rapid than upon the unyielding stone, the elasticity of the wooden rail rendering it the most pleasant to ride upon; a mere difference of this kind, however, was not to be considered as presenting any valid objection to the use of a material so permanent as the stone. On a recent visit to Baltimore, where we had an opportunity of conversing with individuals whose talents and interest in the road give value to their opinions, we learned with much regret that the result of the experience which they have had, has led them to a conviction that the stone sills must be abandoned, and string pieces of wood resorted to throughout the route, in consequence of the gradual, but inevitable loosening of the iron rails. This has not arisen from any defect in the method by which the rails were secured to the stone, but from causes which cannot be obviated by any skill or care on the part of the workmen, as it is the result, principally, of the vibration produced by the passage of locomotives and cars upon the rails. However carefully such rails may be laid, the points of contact between them and the stones will be but few, and as these are abraded by the vibration, the rails will have a small degree of play; this evil will necessarily go on increasing, and the heads of the rails will eventually be worn off by it, as has actually happened.

It has been proposed to obviate the foregoing defect by interposing a thin strip of wood, or other yielding

material, between the iron rail and the stone; this would no doubt lessen it, but to what extent, must be left to the result of experiment. The loosening of the rail upon the stone is, no doubt, in part due to the expansion and contraction of the former, whilst upon a wooden rail but little sensible effect is produced from this cause, the yielding nature of this material serving to prevent it; the degree in which this expansion and contraction operate in loosening the rail would, however, be but slightly diminished by a thin strip of wood, although it appears to be calculated to remove much of the greater evil, the abrasion.

The portions of a rail road which pass over the original surface of the soil, are very small; excavation or embankment, to a greater or lesser extent, is necessary almost every where. The laying of stone sills on these embankments, when recently made, has been another source of much difficulty in the construction of rail roads, as in such places the earth must necessarily continue to settle for a considerable period of time, not only displacing the sills at their junctures, but likewise effecting the grading, and all the calculations founded thereon. It may not excite surprise that the loosening of the rails upon the stone sills was not foreseen in all its extent; but it is certainly remarkable that the capital error of using stone sills on new made ground, should have been any where committed; yet such has been the case to a considerable extent. To raise these sunken sills, with the rails upon them, is a work of great labor, and one, which in high embankments, it may be necessary to repeat several times. This settling of the earth must take place, whatever be the kind of rail used, but the derangement is much less when the plates are laid on wooden string pieces, and the labour of readjustment may be performed with much greater ease.

We have recently travelled along the rail road leading from Philadelphia to Germantown, and also on the Pennsylvania rail road, now in the course of construction between Philadelphia and Columbia, on the Susquehanna. On the whole of the former, and on a large portion of the latter, the rolled iron edge rail has been adopted. The general plan of forming the foundation of these rails is to sink stone blocks, (each containing about two cubic feet,) at the distance of about three feet from each other, and upon these blocks to fasten cast iron chairs, which receive the lower edges of the rails, and into which they are fastened by suitable wedges. The want of stability in these blocks is already manifest in both these roads, although they are not yet completed, and upon one of them, the Pennsylvania road, locomotive engines have not yet run. The blocks have in some places sunk so as to render the line of the rail undulating to such an extent as to be visible while passing along it. The same circumstances which produce the sinking of the stone sills must operate with equal or greater force in the case of the blocks and chairs. In some places also the rails have been pressed out, and in one instance, at least, on the Germantown road, the rails were so far separated as to allow the wheels of the locomotive engine to fall between them. The numerous curves on these roads render the rails much more liable to be pressed out than those on straighter roads, as the flanges of the wheels, when the engines and cars are moving at high velocities, bear with a force which is with difficulty resisted against the outer rail of the curve, and especially at the moment of changing from one curve to another, or from a straight track to a curve.

There is an old saying that "once well done, is twice done," and although it is much more easy to point out defects than it is to prescribe adequate remedies, it is a thing of high importance in extensive and costly public works that they should not be disgraced by imperfections in the mode of executing them. Although the comparative novelty of rail roads as a medium of general intercourse and trade, forbids the supposition that we have yet acquired a knowledge of the best mode



of constructing them, this will not serve as an apology for a perseverance in known and manifest error. The abandonment of three-fourths of the rail roads which have been projected will not be attended by any actual loss, whilst their imperfect construction will not only disappoint the public expectation, but discourage future undertakings of the kind. The first failure may be the result of inexperience, and be, therefore, altogether pardonable, but when the evil and its causes are evident, the course of procedure ought to be changed, in spite of the prejudices of workmen, or the interest of contractors.

The remedies to be applied to obviate or to lessen the defects which have been referred to, must necessarily depend upon the means under the control of the engineer, and will therefore differ in different places. Along a large portion of the line of the Pennsylvania railroad, locust timber may be readily obtained, and where the embankments are not very high, blocks of this wood might rest upon broken stone on the original surface of the ground, and extend up to the level of the road; and these posts might, when necessary, have ties from one to another across the track, to prevent their spreading. This timber is the most durable known, and the chairs would be readily affixed to it. Long blocks of stone, like the sills upon which rails have been laid, extending across from one rail to the other, and receiving the chairs for the edge rail, would completely prevent their spreading. This expedient has been resorted to in some places on the Germantown road, the long stones having been used as the joints of the rails, and stone blocks in the intermediate parts.

These remarks are intended as mere hints which may in some cases be made useful, or serve as inducements to the competent engineer, to devise better modes of procedure. The mentioning of a *competent engineer*, reminds us of one other point essentially connected with the subject in hand, a remark respecting which shall close the present article. We have some gentlemen in our country to whom the foregoing title may be justly applied, but numbers are so dubbed, who have not the slightest claim to the appellation, and, in not a few instances, the direction of important works has been entrusted to such men because they might be *got cheap*. Real talent in this line is never too highly paid for; but a Board of directors will not unfrequently sacrifice hundreds of thousands, to save a thousand or two of dollars in an annual salary.

The foregoing remarks have been elicited by what we have recently seen and heard, and are committed to paper during the continuance of the tour in which they have been suggested.

From the Journal of the Franklin Institute of Sept. 1833.

#### FRANKLIN INSTITUTE.

##### *Quarterly Report of the Board of Managers.*

In compliance with the requisitions of the constitution, the Board of Managers of the Institute submit their report for the past quarter. Although the quarter has been one of those in which the active operations in the interesting branch of instruction are suspended, it has not been devoid of interest. The preparations for the exhibition of domestic manufactures, to be held in the autumn, the experiment of monthly conversation meetings, which has been in progress, the reference of the subject of weights and measures to the Institute, and the transfer of the collections of the Maclurean Lyceum to this society, have added variety to the usual duties and business of the institution.

The committee on premiums and exhibitions hold stated meetings with the committee of arrangement, to mature and execute their plans for the distribution of information to manufacturers and mechanics, in relation to the objects of industry to be exhibited in the coming autumn. By the liberality of the New Castle and Frenchtown Rail Road Company, that committee have been enabled to offer a premium for a successful method

of preventing the escape of sparks from the flues of locomotive carriages, in which wood is used as fuel. The company have furnished a brief statement of the plans which had been tried before the offer of the premium, which statement has been communicated to those applying for information to the Institute.

The experiment of monthly conversation meetings, made by direction of the annual meeting of the Institute, has been highly successful. As was anticipated, the absence of formality in these meetings has induced many to contribute to the information of their fellow members who otherwise would hardly have come forward, and where no special and avowed communication has been made, interesting remarks and discussions have been engaged in by many who came as listeners only. The months of July and August would be unfavorable to the assemblage, in comfort, of so many persons as frequent these meetings, and the Board respectfully recommend their omission during these two months.

By a resolution of the House of Representatives of this state, the Secretary of the Commonwealth was directed to refer to the Managers of the Institute, the bill relating to "weights and measures, and to admeasurement," with a request that report should be made, in relation to it, at the next session of the legislature. This bill, with the resolution of reference, &c. was received at the meeting of the managers in June last, and referred to a committee of nineteen to report to the Board. The names of the committee are appended to this report.

The committee on instruction have already commenced a revision of the arrangements of last year, in regard to the several branches thereof. The drawing school has received particular attention, and will, it is hoped, be materially improved in its organization. The committee have made arrangements to obtain from the professors, and to furnish to the class, a programme, or outline, of each of the regular courses of lectures.

The managers have made, during the last quarter, an arrangement by which the collections in natural history, books, and other property, of the Maclurean Lyceum of this city, have been transferred to the Institute, the members of the Lyceum becoming life members of this association. The entire right of disposal of this property has been vested in the Institute, and a committee has been appointed to effect the transfer of the articles to our Hall. In process of time, it is hoped to exchange such of these articles, as do not come within the scope of our society, for others more directly interesting to us, retaining such as will add materially to the interest of our collection of minerals and geological specimens.

The eleventh volume of the Journal of the Institute has been completed by the appearance of the June number. This journal, from the amount and interest of the original matter which it contains, furnished in relation to the patents by the editor, and in the miscellaneous matters by occasional correspondents, may, it is believed, stand an advantageous comparison with scientific journals at home, and with those in the same walks abroad. The circulation of this periodical should be anxiously promoted by every member of the Institute: they would thereby aid in diffusing through its means useful information in relation to the mechanic arts, and in general science, and look to an increase of subscribers to produce a diminution in the present price of subscription; in this point of view, each subscriber is interested in increasing its circulation.

##### *Committee on Weights and Measures.*

A. D. Bache, S. V. Merrick, W. H. Keating, Rufus Tyler, M. W. Baldwin, Benjamin Say, Asa Spencer, Abram. Miller, Thos. P. Jones, M. D., R. M. Patterson, M. D., Sears C. Walker, Benj. Stancilffe, Thos. M'Euen, M. D., Edmund Draper, David H. Mason, Benj. Reeves, Frederick Fraley, Samuel Moore, Samuel Hains.

A. D. BACHE, Chairman.

WILLIAM HAMILTON, Actuary.



## THERMOMETER IN PHILADELPHIA A. H.

*Account of the heat of weather by Thermometer, with the wind, kept in the Philadelphia Alms House.*

1833.	Sunrise, 9 A. M.	Mer. or noon	3 P. M.	Remarks.
Sept. 1	70 71 $\frac{1}{2}$	78	80	NE moderate and cloudy.
2	69 62	66	70	NE to NW mod'e. and cloudy.
3	69 62	64 $\frac{1}{2}$	65 $\frac{1}{2}$	NE moderate and cloudy.
4	66 70	72 $\frac{1}{2}$	80	S strong breezes and clear.
5	74 76 $\frac{1}{2}$	80 $\frac{1}{2}$	82	SW strong breezes and clear.
6	71 71 $\frac{1}{2}$	75	78	NW to W, mod'e and clear.
7	68 71	73	71	NE cloudy with rain.
8	64 64 $\frac{1}{2}$	66	66	NE strong breezes with rain.
9	59 61 $\frac{1}{2}$	65	69	SE moderate and cloudy.
10	64 67	72	71	SW to NW strong, & cloudy, rain.
11	63 64 $\frac{1}{2}$	67 $\frac{1}{2}$	69	NW, light breezes and clear.
12	62 62	60	58 $\frac{1}{2}$	NW to NE, some rain.
13	54 54	56 $\frac{1}{2}$	59 $\frac{1}{2}$	NW, moderate breezes, & clear.
14	50 55	60	64	NW, moderate and clear.
15	54 59	64	67	NW to SW, moderate & clear.
16	56 60	65	66 $\frac{1}{2}$	NE, light airs, and clear.
17	58 61	65	69	E. light airs, and clear.
18	64 65	66	67 $\frac{1}{2}$	SSE to SW fresh breezes, rain.
19	67 70 $\frac{1}{2}$	75	79	SW fresh breezes and hazy.
20	71 74	79 $\frac{1}{2}$	84 $\frac{1}{2}$	SW fresh breezes and hazy.
21	72 70	66	65	NW fresh breezes with rain.
22	58 56	61 $\frac{1}{2}$	63 $\frac{1}{2}$	NW strong breezes, light clouds.
23	52 53 $\frac{1}{2}$	59	65	NW fresh breezes and clear.
24	54 59 $\frac{1}{2}$	63 $\frac{1}{2}$	66	NW to SW light and clear.
25	58 62	66 $\frac{1}{2}$	72	SW and clear.
26	62 63 $\frac{1}{2}$	69 $\frac{1}{2}$	74 $\frac{1}{2}$	SW and clear.
27	63 67 $\frac{1}{2}$	74	77	SW and clear.
28	64 68	72	75	NE and clear.
29	66 71	76	78 $\frac{1}{2}$	SSE to SW, light clouds.
30	65 66 $\frac{1}{2}$	77	73 $\frac{1}{2}$	NNW to NE. and clear.

From the Crawford Messenger.

## RAIL ROAD FROM FRANKLIN TO THE SUSQUEHANNA.

In this day's paper will be found the proceedings of a meeting held in Franklin, Venango county, relative to the incorporation of a company to make a rail road from that place to the west branch of the Susquehanna. The distance is said to be but 140 miles, and the work is considered by good judges to be entirely practicable, and can be done at a moderate expense, far below the general average of rail road communications. There will be but few important streams to pass. The Allegheny river may be said to be the only one of any considerable magnitude; besides the country presents a very gradual ascent to the dividing ridge between the Allegheny and Susquehanna. This route, in connexion with the state improvement, (when completed to Lake Erie,) will open a communication that will be but 445 miles from Erie harbor to Philadelphia. Any one who will take the trouble to examine this subject, will see that this will be of immense advantage to Pennsylvania, it being the shortest route from any of the Atlantic cities to Lake Erie. Philadelphia will then by means of this improvement be enabled to send goods to Erie in about the space of six or seven days. Thus it will be obvious to all, that Philadelphia will have a decided advantage over the city of New York in sending and receiving goods to and from Lake Erie. No doubt can exist but the trade of this road will be very profitable. The Lake trade is now immense, and is fast increasing. This year the tonnage on Lake Erie has increased thirty-three per cent. on what it was last year. Merchants engaged in forwarding upon the Lake state that this has been the average annual increase for the last five years. The citizens of Philadelphia own full two-thirds of the land through which this road will pass. They

would realize more than the cost of this road in the increased value of these lands. Under all these circumstances, who then can doubt that this rail road will be made, and that before long?

From the Venango Democrat.  
PUBLIC MEETING.

Pursuant to public notice, a meeting of the friends of Internal Improvement met in the Court House, in this borough, on Wednesday evening the 28th ult. which was attended by a numerous and highly respectable body of citizens. After the meeting was organized, the following preamble and resolutions were unanimously adopted and agreed to:

Whereas, the trade of Lake Erie being of such vital importance to the welfare of Pennsylvania and her commercial metropolis, it behoves the citizens of this commonwealth to endeavor by every possible means in their power, to open a channel of communication that shall subserve this great purpose, Therefore,

Resolved, That a connexion by canal and rail road of the west branch of the Susquehanna and the waters of French creek, by the nearest possible route, is the sure way to open an avenue that will at once give to Philadelphia the predominance over the Lake trade.

Resolved, That a committee of five be appointed by the Chair, to draft a petition to the next legislature for an act of incorporation for the furtherance of this object, and said committee be requested to have the petitions circulated for signature, and forwarded to the Senate and House of Representatives early in the session, and the Senator and Representative from this district be requested to use their influence for the immediate passage of this act.

Resolved, That we have full confidence that the next Legislature will appropriate funds and authorise the construction of the canal from the French creek Feeder to Erie harbor, and that we will accede to the route which shall be chosen or selected by the Board of Canal Commissioners, after a full and satisfactory examination of the subject.

Resolved, That a connection with the Ohio canal is of immense importance to the welfare of this country, it being best calculated to bring the surplus water power of French creek into requisition, thereby affording an easy means for the converting of the wheat of Ohio, into flour for our eastern market.

Resolved, That the Shenango canal interest is identified with ours, provided a connexion with the west branch of the Susquehanna is speedily made; thus opening a nearer route for the surplus produce of Mercer county to the Philadelphia market.

Resolved, That the proceedings of this meeting be signed by the Chairman and Secretary, and published in all the papers friendly to this measure.

After the passing of these resolutions, the following gentlemen were appointed a committee of correspondence, viz. A. M'Calmont, John Galbraith, John Anderson, Alonzo Livermore, James Thompson, James R. Snowden, and James Glenn, Esqrs.

J. D. WOOD, Chairman.

JAMES GLENN, Secretary.

From the Crawford Messenger.

MEADVILLE, Sept. 3, 1833.

Mr. A. Livermore,—Sir, a question has arisen, and is in some degree agitated at this time, with regard to the future prosecution of the public works, and as the opinion of the friends of the different routes by which it is, and has been proposed to connect the waters of Erie with those of the Delaware, have been variant, and each party urge their claims with great zeal, and we hope with honest motives, to the final completion of this great, and much desired object. But as all seem to depend upon the waters of French creek to supply in a



great measure the different routes by which the connection is to be carried into effect, it becomes necessary to be satisfied, whether that stream will be amply sufficient to furnish the necessary supply.

The undersigned, with an ardent desire and sincere wish to see a connexion of the eastern and western interests, by means of canal, slack water, and rail road, as each in their turn may become expedient, put the following queries to you, confidently relying upon your ability, and disinterestedness as to local interest, or feeling, with regard to routes, and that your decision or opinion, would be such as ought to satisfy every man, whose mind was open to conviction.

Therefore, will the water of French creek be sufficient to supply at all times, when needed, a canal by the way of Conneaut lake and Elk creek to the town of Erie, and at the same time, from the summit level down the Shenango to New Castle, and all this independent of what will be needed to supply the canal, &c. from the aqueduct to Franklin?

In the next place, should the connexion be formed by the Conneaut and Elk creek route, will the state in your opinion ever make a canal from New Castle to Conneaut lake? And if the Elk creek route should be adopted, will the state ever carry on her improvement up French creek to Waterford, and from thence to Erie by canal or rail road?

And further, if the Waterford route should be adopted, do you believe the state would make a canal from New Castle to Conneaut lake?

Any information you can supply us with on the subject of the above, or any that may be pertinent on the subject of the canal, that may be useful to the inhabitants of this region, the undersigned would feel much obliged to you to communicate it.

DAVID DICK,  
ISRAEL BERLIN,  
and others.

FRANKLIN, Sept. 13, 1833.

Messrs. David Dick, Israel Berlin, and others.

Gentlemen—Your communication of the 3d instant, was duly received, and I now answer your inquiries as near as my present information will admit.

The great question "whether a canal can be fed by the water from the French creek both down the Shenango and Elk creek routes, besides giving a sufficiency to the Franklin line," I believe is easily answered in the affirmative.

But I do not believe, that water can be passed through the French creek Feeder in sufficient quantity to supply both Shenango and Elk creek routes of canal. I well know that a descent of three inches to the mile has been given to the Feeder line in order to increase the quantity over what a level canal would give of the same size. But this descent will not be much more than can be given to a level canal where locks intervene in the space of five or six miles. Each level (or space betwixt the locks) may, and is in practice often filled at the upper lock fully five feet deep, and reduced at the lower one, to three and a half or four feet. This gives the descent upon the surface of the water of from two to three inches to the mile, and secures the supply of water equal to the Feeder line or nearly so when required.

It is found in practice that to feed forty miles of canal requires the maximum discharge of a canal the size of ours through the dry season especially along a sliding country, without any additional supply of water although the quantity of water at the source be unlimited.

The Feeder line is 23 miles, the Shenango to Crooked creek is 17½ miles, and the Elk creek line is 47 miles, making altogether 87½ miles to be fed through the Feeder, if we except a supply of about twelve feet per second, which is said to be available on the Elk creek route.

With this addition, I think the Elk creek line can be fed, if Conneaut lake is made a reservoir, but it will be

out of the question to feed both Elk creek and the Shenango without increasing the size of the French creek Feeder at an expense fully equal to the first cost.

This will render it extremely doubtful whether it will be policy for the commonwealth to make in conjunction the Shenango and Elk creek line. Therefore I am fully of the opinion that the Shenango should be made in preference. This line will therefore become allied to the French creek line via Waterford to Lake Erie, which will be the proper route.

It may not be amiss to state that I have recently taken a measurement of the water available for the summit level at Waterford, and I find that in the dryest time this season there is fully one hundred feet per second. I made two different measurements which corresponded so nearly that I feel satisfied that the result was correct. I also made a measurement above the entrance of the Feeder above Meadville, and found 138 feet per second. These measurements were taken at as low a stage of the stream as had been known at any previous time by the oldest inhabitants.

As fifty feet of water per second, is an abundance for the supply of the Waterford summit, I think no further doubt need exist relative to a sufficiency of water for that route; you will therefore perceive that a rail road is unnecessary, and should by all means be avoided, if possible, as transshipments would be extremely detrimental to the improvements. It may be proper here to state a few practical facts relative to the feeding of canals. The Delaware division of the Pennsylvania canal was one instance where an attempt was made to feed sixty miles of canal from one feeder. This did not succeed as you will see by reference to the report of the Canal Commissioners of 1831. The New York Canal Commissioners undertook to feed from the Little Falls to the Schoharrie creek, a distance of 45 miles, but were unsuccessful, and were obliged to build another dam across the Mohawk near Canajoharrie.

The canal from the large dam upon the Kiskeminutas to Pittsburg, is 36 miles, and it was found extremely difficult the two first seasons to keep up the supply of water on the lower levels. There are many causes why a canal will not give the quantity of water that theory would demonstrate; an important reason is the sinuosities to which they are liable. The French creek Feeder is extremely objectionable on account of its numerous bends, curves, and irregularities. I have no doubt, but could the Feeder be constructed perfectly straight and regular in its size, that the quantity of water it would afford into Conneaut lake would be nearly doubled, even were the distance the same it now is.

The foregoing gives my views in general to your inquiries. I have given them candidly, in the hope they may have a tendency to unite the friends of improvement in the great struggle towards completing a canal to Lake Erie. I am, gentlemen,

Yours very respectfully,

ALONZO LIVERMORE, Engineer.

#### AN ORDINANCE.

##### *Relative to the Management of the Wills Hospital.*

Section 1. Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That the building recently erected out of the legacy devised to the city by the late James Wills, situated on Sassafras street, between Schuylkill Fourth and Fifth streets, shall be known and designated by the name of the Wills Hospital for the Indigent Lame and Blind.

Section 2. And be it further ordained and enacted by the authority aforesaid, That the Select and Common Councils shall assemble in joint meeting, on the fourth Thursday of October next, and shall then and there choose by ballot, nine suitable persons, who shall reside in the city, to be denominated Managers of the Wills Hospital.

Section 3. And be it further ordained and enacted by



the authority aforesaid, That as soon as said election shall be completed, the clerks of the Select and Common Councils shall divide the persons so chosen by lot into three classes of two each; the first class to serve one year, the second to serve two years, and the third to serve three years, and shall record the result upon the minutes of the Councils respectively.

Section 4. And be it further ordained and enacted by the authority aforesaid, That on the fourth Thursday of October of each succeeding year, the Select and Common Councils shall elect in joint meeting, three persons to serve as Managers of the said Hospital for three years, in the place of those whose term of service shall then expire, and whenever any vacancy may occur in the said Board, by death, resignation, or otherwise, the same shall be supplied in like manner at such time as Councils may determine.

Section 5. And be it further ordained and enacted by the authority aforesaid, That the said managers shall meet within ten days after their appointment, and shall elect out of their own number a President and Secretary, and the said offices shall be filled in like manner, each succeeding year, at the first meeting of the Board of Managers which may be held after the annual election.

Section 6. And be it further ordained and enacted by the authority aforesaid, That all orders drawn on the Mayor and City Treasurer, for such sums of money as may be necessary for the support of the said Hospital, shall be approved by the Board of Managers, five of whom shall constitute a quorum, and the said orders shall be signed by the President, and countersigned by the Secretary of the Board.

Section 7. And be it further ordained and enacted by the authority aforesaid, That as soon after the said Board of Managers shall be organized as may be, they shall draw up such general rules and regulations for the management and supervision of the said Hospital as they may think proper, which after being approved of by the Select and Common Councils, shall be considered as the established rules and regulations of the same, until in like manner altered or amended.

Section 8. And be it further ordained and enacted by the authority aforesaid, That the Managers of the said Hospital shall be authorised to elect a suitable person to serve as Steward of the same, who shall be allowed a compensation of not exceeding three hundred dollars per annum, to be paid quarterly on orders drawn in manner aforesaid.

Section 9. And be it further ordained and enacted by the authority aforesaid, That the said Board of Managers shall have power to appoint such other officers, nurses, and domestics, as they may think necessary for performing the labor and such other services as are requisite to the said Hospital, who shall be paid for their services such compensation as the Managers may deem reasonable.

Section 10. And be it further ordained and enacted by the authority aforesaid, That the said managers shall admit only such persons into the said Hospital as are designated in the will of the said James Wills.

Section 11. And be it further ordained and enacted by the authority aforesaid, That the Managers be, and are hereby authorised and requested to take such measures to increase the fund of this charitable institution, either by donations, life, or annual subscriptions, or such other means as they may deem most expedient.

Section 12. And be it further ordained and enacted by the authority aforesaid, That whenever the funds of the Hospital will admit, the Managers shall establish a school for teaching such inmates of the house as may be capable of receiving instruction.

Section 13. And be it further ordained and enacted by the authority aforesaid, That the number of inmates admitted into the said Hospital, shall at all times be so regulated and prescribed by the Managers thereof, that the expense attending their support and accommoda-

tion shall at no time exceed the income of the fund devised by the City authorities in trust, by the late James Wills, and such other contributions as may be obtained for that purpose.

Section 14. And be it further ordained and enacted by the authority aforesaid, That the Managers of said Hospital shall cause the same to be furnished in an economical but substantial manner, with all such articles of household and kitchen furniture as may be necessary and proper for such an institution, and the expense attending the same, shall be paid out of the general fund devised for that purpose, on orders drawn in manner aforesaid, any thing in the foregoing section to the contrary notwithstanding.

Section 15. And be it further ordained and enacted by the authority aforesaid, That the Board of Managers shall on the second Thursday of September in every year, report to the Select and Common Councils, a statement of their proceedings, containing a full and accurate account of their receipts and expenditures for the past year, and that the said accounts be audited by the Committee of Accounts of Councils.

Enacted into an Ordinance, in the city of Philadelphia, this twenty-sixth day of September, in the year of our Lord one thousand eight hundred and thirty-three.

HENRY TROTH,

President of Common Council.

J. R. INGERSOLL,

President of the Select Council.

Attest,

ARCHD. RANDALL, Clerk of Select Council.

From the United States Gazette.

#### SCHOOL FOR THE BLIND.

It is not many months since we had occasion to note from personal observation, the undertaking of Mr. Friedlander, to instruct the blind, under the patronage of a society of gentlemen in this city. Since that time, Mr. F. has taken a house in North Twelfth street, and opened it as a regular school for the blind, with appropriate machinery, rooms and play ground. In compliance with a special invitation, we visited Mr. Friedlander's school on Saturday afternoon, in company with some others, better capable of judging of a part of the exercises than were we.

When we entered the house, Mr. F. and five or six of his pupils were engaged in a concert of instrumental music, Mr. F. leading from the piano forte. One was playing on the bass viol, two or three on the violin, and another on the French horn. This was followed by singing. The whole was performed to the admiration of the company, and considered, even without reference to the circumstances of the musicians, as exceedingly well done.

Theodore Myers, a smart and pleasant lad only nine years old, who had been in the institution about five months, played on the violin, keeping good time, and "playing well his part."

Abraham Marsh, a boy about thirteen years old, joined in the concert, and William Graham played the French horn with great exactness.

Graham and another pupil subsequently played a duet on the piano forte.

When the musical performances had ceased, we followed the master and pupils up to the regular school room. Here was exhibited a quantity of work, performed by the lads—a basket of silk guard chains for watches, which they had woven, and a number of wicker baskets that they had made. We may remark that these baskets were of a much closer texture, and of a better shape than are usually found in market, and altogether exhibited a better state of workmanship. The handles, hinges, loops, &c. all made of the willow twigs, were neatly twisted and beautifully wrought into the texture of the main work. A quantity of these baskets were handed to the scholars, and each could designate



those which he had made himself, and could refer every other one to its proper maker.

Mr. John Vaughan, a gentleman to whose philanthropy the school is in a great measure indebted for its existence and present advancement, mentioned to us, that some time since he met with a blind lad, whose situation he felt anxious to relieve, and he raised a contribution among some gentlemen of his acquaintance, amounting to about one hundred dollars. This sum he offered to the basket makers in the vicinity, if they would instruct the lad in their own labors. They declined the premium in the full conviction that he could never learn to make a basket.

Now, one of the pupils of the school is the son of a basket maker, and his work is probably far superior to ordinary work offered for sale, and the young woman who has instructed the lads, professes to have found them as docile and as rapid in their improvement as boys of the same age who can see.

The affectionate manner in which the little scholars spoke of, and addressed Mr. Vaughan, was proof of the kind interest which that gentleman has manifested in the successful establishment of the school.

The exercises upon the map of the United States were exceedingly interesting. The lad, Abraham Marsh, bounded the states, pointed out the capital cities and chief towns, told the relative positions of places, laid his finger upon the sources and marked the course of the rivers to their mouths, and made such observations upon the map as would seem impossible for any but "open and seeing eyes" to suggest.

"Is Rhode Island a large or a small state?" asked one of the company.

"Why," exclaimed Abraham, "here it is small enough; I can almost cover it with my finger; a little of it only comes out beyond my finger nail."

A little boy, William Hartz, not more than six or seven years of age, designated the letters of the alphabet; other pupils read lessons from cards with raised letters; others wrote sentences with the pencil on slates, and some printed names of visitors with moveable types.

We were much interested in the exercise in figures. One of the lads arranged before him, on a frame, three rows of figures of nine places, amounting numerically to hundreds of millions. They were then read from right to left to the boys by lines. They listened attentively, and then gave each line of figures by enumeration, and in a minute added up the three columns and gave the sum of the whole; and this without having felt the face of the figures, depending entirely upon their recollection of their order. This we regard as a very remarkable exercise of the faculty of memory.

We followed the little folks next into their supper room, where they soon satisfied us that a good appetite is by no means dependent upon vision. Good order, indeed, prevailed at the table, but the evidences of *taste* were particularly observable. After the close of this interesting exercise, little William Hartz went through with his devotions in German. He subsequently sung, with a most mirth-provoking accent, a German song, adding thereto by way of close, an imitation of William Graham's French horn, with some words of the little imitator's own supplying.

The company then adjourned to the play ground, where the little blind pupils amused themselves with gymnastic exercises, in which they appeared very expert. Theodore and little William amused the visitors by a race.

Some one gave William Hartz a piece of money; he felt of it with great satisfaction, and having fingered out the denomination of the piece, he forthwith thrust it into his lowest pocket, with a look of the most perfect satisfaction.

"And what will you do with that money?" asked Mr. Snyder, a gentleman in some way connected, and from his manner, we should think beneficially connected,

with the institution—"and what will you do with that money?"

"When I go out," said the little fellow, "I will buy some good things."

And what will you do with the good things which you purchase.

"Oh" said the boy, rolling up his sightless eyeballs in evident pleasure, "I will give some of them to Theodore, Abraham, and all the boys." The child delighted at the prospect of sharing his "goodies" with his school mates, clapped his hands together, jumped up, and sung half a verse of his Dutch song, with a tone not to be mistaken, though the words were heathen Greek, to most of his auditors.

We should do injustice to our own feelings, and to those who accompanied us to the school, were we not to express our sense of gratitude for an afternoon's enjoyment, such as has seldom fallen to our lot. But the *school for the blind* is a public consideration; and, we trust, will be so regarded. We profess to understand something of the requisites of an instructor, and we may venture to assert that the manners of the blind pupils, their appearance and conversation, all indicate the kind parental care of their accomplished instructor Mr. Friedlander. While the improvements, made by the scholars, show how eminently qualified he is for the station he now occupies.

If we take a view of the utterly destitute condition of the uninstructed blind, we seem to regard them as separated from their fellow beings, and put aside to "wait the great teacher death."

But when such a power, as that possessed by Mr. Friedlander, pours upon their mental eyeballs the light of truth and reason, they start at once into consequence and into enjoyment; they feel the connecting link that makes a part of active life, and they understand the design of their Creator, and the arts and enjoyments of society. We earnestly beseech those of our fellow citizens who feel that they can aid the prospects of this important seminary, to visit Mr. Friedlander, become acquainted with his labors, and then assist in bestowing the blessings of learning and profitable industry upon a class of human beings, who possess all of the best sympathies and feelings of our nature but one, by the loss of a single faculty separated from the duties and enjoyments of their kind. Let it not be so in our city, famed for its philanthropy. Let not Boston exceed us in the work of goodness. Let us build another monument to the glory of our beloved city, in the form of a *school house for the blind*; and let the blessings of education reach them, as it has done their fellow sufferers the deaf and dumb.

Mr. Friedlander, will shortly make a public exhibition of the advancement of his pupils; and we trust that the event will prove most fortunate for the blind.

From the daily papers.

#### WARD ELECTION—INSPECTORS.

Democrats.

Independent Democrats.

	<i>Pine.</i>	
Isaac Mount	166	James Redman 244
Wm. Ripperger	167	Moore Wharton 243
	<i>New Market.</i>	
Hugh Catherwood	248	William Abbott 239
Charles Shaw	244	Thomas G. Conner 242
	<i>Cedar.</i>	
A. R. Gemeny	314	William Erringer 153
John D. Miles	310	Robert E. Johnston 149
	<i>Locust.</i>	
John Horn	376	Cornelius S. Smith 257
John Snyder	378	Samuel Harmstead 254
	<i>South.</i>	
Thos. Cave	160	T. Ross Newbold 222
Thos. Desilver	159	Edward Parker 223
	<i>Middle.</i>	
Thomas Hopkins	208	Samuel Morris 142
William P. Barr	208	John Read, jr. 142



<i>Democrats.</i>	<i>North.</i>	<i>Ind. Democrats.</i>	
Robert Adams	235	Thos. Harper	367
Francis Cooper	237	Charles Schneider	365
<i>South Mulberry.</i>			
Jacob R. Clark	256	R. W. Pomeroy	235
Samuel Martin	264	Thomas S. Richards	233
<i>North Mulberry.</i>			
Joseph Yeager	509	Henry Sailor	154
Theodore Colladay	502	Samuel Jordan	150
<i>Upper Delaware.</i>			
John Dallam	323	Charles Stout	252
David Clark	323	Samuel Cowpland	232
<i>Lower Delaware.</i>			
David S. Freeland	214	John Thompson	296
David Boyd	214	Thomas Street	298
<i>High Street.</i>			
John Cullin*	364	William Dougherty	225
Saml. D. Reed	138		
<i>Chesnut.</i>			
Wm. H. Hamilton	144	Joel Cook	187
Alexander Henry	144	T. Cooper	187
<i>Walnut.</i>			
Samel H. Perkins	63	Charles Wheeler	192
Joseph Murray	62	Wm. L. Maddock	191
<i>Dock.</i>			
Thomas Roney	140	George Jeffries	279
George K. Childs	139	Robert Donnell	280

\* On both tickets

Names of Wards.	In. Dem.	Dem.	Totals.
1. Upper Delaware	232	323	555
2. Lower Delaware	298	214	512
3. High Street	364	000	364
4. Chesnut	187	144	331
5. Walnut	192	63	255
6. Dock	280	140	420
7. Pine	244	167	411
8. New Market	239	248	487
9. North Mulberry	154	508	662
10. South Mulberry	233	264	497
11. North	367	237	604
12. Middle	142	208	350
13. South	223	160	383
14. Locust	257	378	635
15. Cedar	153	314	467
Totals	3565	3368	6933

*Assessors.*

Dock Ward—W. W. Thackara.  
 Chesnut—John Ward.  
 Walnut—N. Holland.  
 Upper Delaware—E. Mustin.  
 Lower Delaware—M. L. Gordon.  
 High Street—Thomas Snowden.  
 Cedar—Joshua Andrews.  
 Locust—John Rutherford.  
 North Mulberry—R. Savage.  
 Middle—C. Dobbin.  
 Pine—C. F. Hockly.  
 New Market—B. Jones, jr.  
 South—Morrell.  
 South Mulberry—E. T. Scott.  
 High Street—Snowden.

## SPRING GARDEN—INSPECTORS.

*First Ward.*

Lewis Lowry	248	Wm. Drum	230
Miles N. Carpenter	247	David Woelpper	231

*Second Ward.*

William B. Hunt	203	Charles Harbert	99
Chris. B. Merckle	203	J. W. Wyncoop	100

*Third Ward.*

Robert Strain	104	B. M. Hough	46
Wm. Dougherty	108	Wm. Reed	46

<i>Democrats.</i>	<i>Fourth Ward.</i>	<i>Ind. Democrats.</i>	
Geo. Binder	154	George Hass	205
Tho. M. Rush	161	Henry Walton	205

## PENN TOWNSHIP—INSPECTORS.

Joseph Lake	123	No opposition.	
Hugh Scott	73		

## NORTHERN LIBERTIES—INSPECTORS.

*First Ward.*

Saml. Stevenson	254	Samuel Gilbert	175
John M. Cannon.	242	Jesse Gilliams	166

*Second Ward.*

Lewis Pelouze	94	James Freshmuth	182
Conrad Hester	39	James Mitchell	181
W. Neal	56		

*Third Ward.*

Wm. D. Hazlet	197	William Bruner	235
Danl. Reiff	198	John M. Brown	236

*Fourth Ward.*

George F. Freed	154	Jeremiah Walton	190
Thos. Bedford, jr.	150	Ezekiel Childs	185

*Fifth Ward.*

David Ginther	316	John Horn	248
G. H. Dennenhower	317	C. J. Wolbert	247

*Sixth Ward.*

Jacob Stearly	311	Donnelly	140
Jacob Rudy	313	Weaver	139

*Seventh Ward.*

John G. Kline, sr.	223	Dickson	103
John Wortstall	222	Rohrman	104

## SOUTHWARK—INSPECTORS.

John J. Krider	1031	John L. Ferguson	719
Jeremiah Flickwir	1032	Cornelius Tiers	719
John Dubois, sr.	1032	David Coombs	716
John Floyd, jr.	1030	Daniel Green	715

Israel Young, and Gowen A. Brown, Esqrs. are elected Assessors by the democrats with corresponding majorities over their opponents, Thomas K. Teese, and Thos. Ash.

## MOYAMENSING—INSPECTORS.

Thos. Barrett	210	James Eneu	141
Isaac Shubert	199	Francis M'Bride	123

## KENSINGTON—INSPECTORS.

*West.*

Jas. Wood	146	No opposition	
Jas. Rihl	146		

*East.*

Thos. Vaughn	128	John Bakeoven	96
Wm. Graves	126	Jacob Address	81

**CULTURE OF SILK.**—We had presented to us a few days since, a skein of superior sewing silk, manufactured by Mr. Ira Glazier, of McKean township, in this county, from cocoons of his own raising. It was equal in strength and texture to any of the imported. We are informed that this is the first experiment of the kind made in this county; and are happy to learn that it has been attended with such success, as to warrant Mr. G. in devoting increasing attention to the business. We understand that from his experiment and estimates, it would be the most profitable business to which a man of a family with a very small lot of ground could turn his attention. From this and the experiments that have been made in other places, we are satisfied, that this country can very easily be rendered independent of any foreign nations, for the article of silks; and more particularly sewing silk.—*Erle Observer.*

**BEAVER MEADOW RAIL ROAD.**—It is with much pleasure that we have to announce to the public, that our enterprising neighbors (the Beaver Meadow Company) have concluded to extend their rail road down the val-



ley of the Lehigh to Allentown, so as to form a connexion with the rail road contemplated to extend from Allentown to Philadelphia, via the Perkioming and Schuylkill. This road will form an additional outlet for the immense anthracite treasures of the Lehigh region, and as it will run parallel with the Lehigh canal for nearly 40 miles, it will afford an opportunity of fairly testing the comparative advantages of canals and rail roads for transportation, &c.—*Mauch Chunk Courier*.

READING, Pa. Sept. 28.

**LARGE BALL.**—The ball for the spire of the new steeple of the Lutheran Church of this borough completely covered with gilding was seen and admired yesterday by a number of our citizens previously to its elevation to its lofty resting place. When mounted on its spire, it will seem perhaps no larger than a punch bowl though actually exceeding three feet in diameter, and capable, if hollowed out, of containing above a hundred gallons wine measure. Its workmanship does credit to the turner and the gilder who prepared it.—*Berks County and Schuylkill Journal*.

The following is a correct statement, of the number of taxable citizens in the several townships of Venango county, as taken from the returns of the respective assessors in April last. Since the enumeration in 1828, the annual increase of the taxable population in this county has been about 100, equal to 500 souls.

Borough of Franklin,	131
Plum	118
Frenchcreek	213
Sugarcreek	270
Scrubgrass	193
Irwin	153
Rockland	156
Richland	142
Allegheny	199
Tionesta	138
Elk	111
Beaver	136
Paint	80
Farmington	91
Pinegrove	64
Cranberry	90
Cherrytree	100
<b>Total</b>	<b>2352</b>

DEPARTMENT OF WAR, April 2, 1833.

To CHARLES LESLIE, Esq. London:

Sir,—I do myself the pleasure to forward to you the accompanying commission, and to ask your acceptance of it, not on your own account, but for the sake of the institution, where its duties are to be performed.

The high professional character you have so justly attained, has directed the attention of the President to you, and I am sure his choice will meet the approbation of his countrymen: Your successful devotion to one of the most important of the liberal arts, while it has secured fame to yourself, has conferred honor upon your country. And I am happy in being able to offer to you this testimonial of the estimation in which you are held.

Very respectfully, sir,

Your obedient servant.

Signed,

LEW. CASS.

LONDON, May 16, 1833.

To HON. LEWIS CASS,

Secretary of War, Washington.

Sir,—I had the honor to receive your letter of April 2d, accompanying an appointment to the office of Teacher of Drawing at the Military Academy.

I beg you, sir, to offer the President my sincere thanks for this mark of his approbation and confidence; and say for me, that I receive it as a great honor, and

will prepare myself to make every exertion to fulfil the duties of the situation to the best of my abilities.

To yourself, I feel much indebted for the very kind and complimentary expressions accompanying the communication, and

I am, sir, most respectfully,

Your obedient servant,<sup>1</sup>

Signed,

C. R. LESLIE.

#### PENNSYLVANIA COAL TRADE.

During the year 1832, the amount of coal taken from the mines in this state, and forwarded to market by the Lehigh, Delaware, Schuylkill, and Delaware and Hudson canals, amounted to	363,850 tons,
Of this quantity, the amount brought by the Schuylkill canal was	204,000
Lehigh and Delaware canals, from Mauch Chunk,	75,690
Delaware and Hudson canal, from Carbondale,	84,160
<b>Total,</b>	<b>363,850</b>

In 1833, amount received by the Schuylkill canal, from Pottsville, Schuylkill Haven, and the Little Schuylkill, up to September 19th,	192,315 tons.
By the Lehigh and Pennsylvania canals, from Mauch Chunk* up to the 20th instant,	83,419
By the Delaware and Hudson canal, from Carbondale,	74,730
By the Union and Schuylkill canals, from near Harrisburg,	1,000
<b>Total,</b>	<b>351,454 tons.</b>

**COAL.**—Amount of coal transported this season on the different rail roads in Schuylkill county, up to the 26th of September.

West Branch	60,072
Mount Carbon	57,140
Mill Creek	29,736
Schuylkill Valley	19,987
Little Schuylkill	27,108
Mauch Chunk	8,486
<b>Tons</b>	<b>282,529</b>

**BEAR.**—We understand that a large Bear was seen between Middleport and Port Carbon, a few days since. Several persons have been in pursuit of the animal, but hitherto without success.

READING Pa. September 3, 1833.

**FROST IN AUGUST.**—On Friday morning last, a pretty severe frost was to be seen in this quarter. Its effect upon vegetation, however, is not very perceptible.

**CURIOSITY.**—A bunch of stalks of wheat, amounting to sixty in number, firmly united at the roots, and bearing every indication of having sprung from one grain or kernel, was left at our office yesterday. The stalks are said to have been nearly seven feet high, and the heads which grew upon them were well filled, and of a good size. This singular production was raised on the farm of Mr. Emory, in Woodcock township, Crawford county, Pennsylvania.—*Meadville Courier*.

\*By a break in the Pennsylvania canal, near New Hope, the operations of this Company were retarded two months. Had the canal been in navigable order, 30,000 tons of coal would have been brought down during that period.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 15. PHILADELPHIA, OCTOBER 12, 1833. NO. 302

## A DISCOURSE BY PETER S. DUPONCEAU, LL.D.

A Discourse on the Early History of Pennsylvania; being an annual oration delivered before the American Philosophical Society, held at Philadelphia, for promoting useful knowledge; pursuant to their appointment, in the Hall of the University of Pennsylvania, on Wednesday, the 6th of June, 1821—By *Peter S. Du Ponceau, LL. D.*, one of the Vice Presidents of the Society.

*Mr. President—Gentlemen:*

Six years have elapsed since a committee was instituted in the bosom of this Society, whose labours were principally directed to the object of making researches into the history and antiquities of America, but more particularly of our own state. This committee have not been remiss in their exertions; with the aid of several of their zealous and patriotic fellow citizens, (whose names and services have been gratefully recorded) they have succeeded in collecting ample and precious materials, which only wait for the hand of the artist to work them into shape. It was hoped that the impulse thus given would have been caught by some able writer, who, availing himself of these rich stores, would have combined the scattered facts into a faithful and elegant narrative. But our expectations have hitherto been deceived, and Pennsylvania still wants an historian.

The crude and imperfect annals collected by Robert Proud, although they bear the title of "History of Pennsylvania," are generally acknowledged to be undeserving of that name. As a chronicle of the earlier times of our commonwealth, this book is valuable, as well as for the numerous documents with which it is interspersed. It comes down, as a narrative, no later than the end of governor Thomas's administration, in 1747; beyond that period we find only a few dates of some of the most remarkable events; from which we must conclude that the author became tired of his task, or, perhaps, that he undertook it at too advanced a period of his life, and was prevailed upon by his friends to publish it in its unfinished state. For Robert Proud is well known to have been a man of strong natural powers, and not deficient in acquired knowledge; but the monument which he has left behind him does not entitle him to the fame of an historian. As a man, he was good and benevolent; he was a lover of virtue, and his work breathes throughout those sentiments of stern morality and mild philanthropy, which characterized our early settlers, and are still to be remarked in their descendants.

A work of much higher pretensions, however, claims our attention. When I said that Pennsylvania still wanted an historian, I was far from intending to depreciate the labours of our former associate, professor Ebeling, of Hamburg, whose valuable history deserves to be better known to our fellow citizens. In the small space of one duodecimo volume, he has condensed the whole history of this state from its first settlement to the year 1802. His narrative is well connected throughout, drawn up in plain and unaffected language, and without pretensions to literary ornament; yet his style pleases from that very simplicity. It is close and methodical, and particularly distinguished by great perspicuity. His facts have been obtained from the most au-

thentic sources, and his authorities are regularly quoted. It contains few errors, and those but trifling, and such as may be amended in a translation. This work is not encumbered with tedious documents, crowded with uninteresting details, or swelled with unnecessary notes. The author displays great discernment in his selection of facts, and impartiality in his delineation of characters, and does not appear to have been swayed by any feelings but those which become an historian.

Your Historical Committee were early sensible of the value of this book, and, at their recommendation, a learned member of this society\* undertook its translation, which is now ready for the press. It is to be hoped that it will soon be published, and that its sale will amply reward the publisher. Its size and its merit peculiarly recommended it to be used as a school book throughout this extensive state.

Still Pennsylvania wants an historian. The book I have just noticed† will always be valuable as an abridgment of our history; it will also be an excellent guide to him who will undertake to write it on a large scale, and save him much laborious research, by pointing out the sources from whence he is to derive his information on each particular event. I do not hesitate to say that it will shorten his labour by more than one half; for he will no where else be able to obtain the very important aid which this book will afford him. It will, in a short compass, give him a complete view of his whole ground, enable him to measure each period of time, and each event in the scale of relative importance; in short, he will have a sketch of his work ready prepared to his hand, with the subdivisions exhibited in their various proportions; such, at least, as the author conceived them to be. Those who have ever attempted the labour of historical composition will well understand the value of such helps as these.

As you have shewn me so much indulgence as not to restrict me in the choice of the subject of this anniversary discourse, you will not wonder that, as a member of your Historical Committee, zealously devoted to the objects of its institution, I have chosen the topic which is nearest to my heart. If I had but talents equal to my zeal, neither my advanced age nor the weight of professional avocations should stand in the way of my ambition to become the historian of this great and important state; but I need not regret my deficiency, while there are others so eminently qualified for the task, and to whom the country looks for its execution. I shall have attained the object of my wishes if my weak efforts shall stimulate some one among those men of highly gifted minds to this honourable undertaking.

Let it not be imagined that the annals of Pennsylvania are not sufficiently interesting to call forth the talents of an eloquent historian. It is true that they exhibit none of those striking events which the vulgar mass of mankind consider as alone worthy of being transmitted to posterity. No ambitious rival warriors occupy the stage, nor are strong emotions excited by the frequent

\* John Eberle, M. D. of this city.

† This History of Pennsylvania is the sixth volume of a larger work of the author, entitled "*Geography and History of America*," of which a particular account will be given in a note at the end of this discourse.



description of scenes of blood, murder, and devastation. But what country on earth ever presented such a spectacle as this fortunate commonwealth held out to view for the space of near one hundred years, realizing all that fable ever invented or poetry ever sang of an imaginary golden age. Happy country, whose unparalleled innocence already communicates to thy history the interest of romance! Should Pennsylvanians hereafter degenerate, they will not need like the Greeks, a fabulous Arcadia to relieve the mind from the prospect of their crimes and follies, and to redeem their own vices by the fancied virtues of their forefathers. Pennsylvania once realized what never existed before except in fabled story. Not that her citizens were entirely free from the passions of human nature, for they were men and not angels; but it is certain that no country on earth ever exhibited such a scene of happiness, innocence, and peace, as was witnessed here during the first century of our social existence.

I well remember them, those patriarchal times, when simple, yet not inelegant manners prevailed every where among us; when rusticity was devoid of roughness, and polished life diffused its mild radiance around, unassuming and unenvied; when society was free from the constraint of etiquette and parade; when love was not crossed by avarice or pride, and friendships were unbroken by ambition and intrigue. This was the spectacle which Pennsylvania offered even in the midst of the storms of our revolution, and which she continued to exhibit until a sudden influx of riches broke in upon the land, and brought in its train luxury, more baneful than war.\* This torrent has been checked in its course; we are gradually returning to those moderate habits, which we never should have abandoned. But we are too far advanced in population and arts ever to see our ancient manners restored in their primitive purity; all that we can do now is to preserve their memory in the historical page, as a subject of pride to our descendants, and of admiration to succeeding generations throughout the world.

Yet amidst this simplicity, what grand and magnificent scenes court the pencil of the historian! His it will be to delineate the majestic features of one of the greatest legislators that ever appeared among mankind. Did I say *one* of the greatest? I hasten to correct my error: WILLIAM PENN stands the first among the lawgivers whose names and deeds are recorded in history. Shall we compare with him Lycurgus, Solon, Romulus, those founders of military commonwealths, who organized their citizens in dreadful array against the rest of their species, taught them to consider their fellow men as barbarians, and themselves as alone worthy to rule over the earth? What benefit did mankind derive from their boasted institutions? Interrogate the shades of those who fell in the mighty contests between Athens and Lacedæmon, between Carthage and Rome, and between Rome and the rest of the universe. But see our Wm. Penn, with weaponless hands, sitting down peaceably with his followers in the midst of savage nations whose only occupation was shedding the blood of their fellow men, disarming them by his justice, and teaching them, for the first time, to view a stranger without distrust. See them bury their tomahawks in his presence, so deep that man shall never be able to find them again. See them under the shade of the thick groves of Coaquannock extend their bright chain of friendship, and solemnly promise to preserve it as long as the sun and moon shall endure. See him then with his companions establishing his commonwealth on the sole basis of religion, morality and universal love, and adopting as the fundamental maxim of his government, the rule handed down to us from heaven, "Glory to God on high, and on earth peace and good will to all men."

Here was a spectacle for the potentates of the earth

to look upon, an example for them to imitate. But the potentates of the earth did not see, or if they saw, they turned away their eyes from the sight; they did not hear, or if they heard, they shut their ears against the voice which called out to them from the wilderness,

*Discite justitiam moniti, et non temnere Divos.*

The character of William Penn alone sheds a never fading lustre upon our history. No other state in this union can boast of such an illustrious founder; none began their social career under auspices so honourable to humanity. Every trait of the life of that great man, every fact and anecdote of those golden times will be sought for by our descendants with avidity, and will furnish many an interesting subject for the fancy of the novelist, and the enthusiasm of the poet. It is, therefore, highly important, that while recent tradition and numerous authentic but perishable documents, are still in our power, we should collect all those valuable materials, and embody their substance in an historical work worthy of being handed down to posterity. Although such a work will not be fruitful of great incidents, still it will exhibit human nature under many a varied aspect; great faults will be found associated to great virtues; the reader will, more than once, while he admires the latter, be compelled, with regret, to acknowledge, as the former strike his view, that no efforts of the human mind can ever produce absolute perfection in this sublunary world, and that it is in vain for us to expect to be angels on this side of the eternal mansions; and, upon the whole, it may, with truth, be asserted that there will be found in the History of Pennsylvania, much to instruct and much to delight.

The historian will take a cursory view of the various vicissitudes that attended the first settlement of the ancient colony of Virginia, during a quarter of a century, from the time when it was taken possession of for the English crown by Sir Water Raleigh, in 1594, to the year 1610, when Lord Delaware, arriving there from England, as captain general, found its population reduced, by a dreadful famine, to the inconsiderable number of 60 souls. Yet three years afterwards the colony had so far recovered from that calamity, that her next governor, Dale, sent an expedition to the northward, under Argal, which destroyed the French settlements in remote Acadia, and compelled the Dutch, already established at Manhattan island, to submit to the sovereignty of England.

It was on his voyage to Virginia that Lord Delaware discovered the great bay and river to which he gave his name, and which Hudson, sailing in the Dutch service, had passed by in the preceding year. The Dutch called it the South River, by which name it was known for more than half a century, to recover afterwards and preserve for ever that of the gallant commander who had saved the first English colony in America from impending destruction.

But the Dutch on the Manhattan did not long acknowledge the supremacy of the English crown. In the year 1614, they erected Fort Amsterdam, where New York now stands, and put themselves in a posture of defence against foreign assailants. Then commenced in America the empire of the Dutch nation, flushed with the pride of her young independence, and of her victories over Spain, at that time considered the greatest power in Europe. She claimed all the country between the two great rivers which Hudson had discovered, one of which still retains the name of North river, which he gave to it, and even extended her pretensions to the south side of the river Connecticut. At the time the soil of New England was yet untrudged by European feet; but a numerous and hardy population was soon to press on the Dutch settlements from the east, and in less than fifty years to put an end to their dominion on this continent. This was to have been expected by those who considered the different spirit in which the two nations colonized the country, where the

\* Sæviar armis.

Luxuria incubuit -- LUCAN.



Dutch sought only trade, while the English sought freedom and a home.

The Dutch and English colonies were now progressing together, but with unequal steps. What was doing towards the north is of little interest to our history, it is enough for us to know that for several years the former nation did not extend her settlements to the Delaware, where she had only a few trading establishments on the eastern shore of the river, when another nation appeared and seated herself on the opposite side, then considered a part of the territory of Virginia.

That nation was Sweden, then governed by the illustrious daughter of Gustavus Adolphus, aided by the counsels of chancellor Oxenstiern, one of the greatest ministers that a sovereign was ever blessed with. Their genius carried into execution the establishment planned while Gustavus was yet on the throne, of a colony on the banks of the Delaware, which was doomed to last no longer than the reign of the one and the life of the other.\* A cession of the British title to that part of the country was obtained from the unfortunate Charles; but the Dutch claim subsisted in its full force, and after nineteen years' unquiet possession, the Swedes were compelled, in 1655, to submit to the superior force of that nation, which in less than ten years afterwards was to see her own power annihilated by the same means which she had employed against her weaker neighbors.

The first settlement of the Swedes on the Delaware took place in the year 1638, at which period our history properly begins. The descendants of those sons of the north make part of our present population, and we trace with pleasure among the names of many of those who shone at that time among the first ranks of society, and one of their public edifices still meets our view, and strikes our minds with that veneration which never fails to be inspired by relics of former times. The historian will not pass over that period in silence. By the munificence of Mr. Russell, our society is in possession of valuable authentic records from the chancery of Stockholm, which throw considerable light on the colonial views and policy of Christiana's government †.

Here two Swedish governors, Printz and Risingh, successfully exercised a supreme but short lived authority. History will delineate their characters, and trace the consequences of the timidity of the one, who suffered the Dutch to erect a fort on the Swedish territory, ‡ and the rashness of the other, who unseasonably expelled them from it, and by this act of force lost the country, for ever, to his sovereign. The historian will pay a deserved tribute of praise to the mildness of the Swedish government and people, and above all to their strict justice towards the Indian nations, by means of which they firmly secured the love and affection of all the surrounding tribes. He will not fail to interest his reader by a lively description of the face of the country at that time, of the various settlements of the Dutch and Swedes on both sides of our river, and point out the situation of the numerous forts which their mutual jealousy erected, and of which, at present, not a vestige remains. On Tinicum island rose the fortress of

\* Christiana abdicated the crown of Sweden, and Oxenstiern died, in 1654.

† Fort *Casimir*, which was built by the Dutch, in 1651, on the spot where New Castle now stands. By this means they obtained the command of the navigation of the Delaware, to counteract which, governor Printz caused another fort to be erected below, on the east side of the river, which was called *Elfsborg*, from which, however, the Swedes were soon after driven away by the *mosquitoes*.

In 1654, governor Risingh took fort Casimir by surprise; but the next year the Dutch came in force and took possession of the whole Swedish territory.—EELING.

‡ See Reg. Vol. IV. p. 376.

New Gottenburg, the metropolis of the Swedish American empire. Here, says their historian Campanius, governor Printz built an elegant mansion-house for himself and his dependants, with a garden, a pleasure-house, and other appurtenances.\* There a church was built, and there the principal inhabitants had their houses and plantations. What is become of that seat of luxury and grandeur? Not a trace of its former glory is to be seen, it lies waste and desolate, tenanted only by grazing cattle; and near it, where perhaps, formerly stood one of those handsome dwellings which the historian describes, is an impure lazaretto, the chosen abode of pestilence and death. Such are the vicissitudes which our young country has already experienced.

A different scene will soon open to our view. The Dutch expel their rivals from this continent, and Nova Suecia again becomes a part of the New Netherlands. At New Amstel, now New Castle, is established the seat of delegated authority; and Old Upland, † since honoured by our first colonial legislature, is made the chief place of a judicial district. But this new order of things was not to be of long duration. In 1664, the English expel the Dutch from all their North American territory, with as little ceremony as these had done their former neighbors. Three years afterwards, the treaty of Breda sanctioned the irregular conquest.

Now another race of men is about to appear upon the stage. The names of both Dutch and Swedes are going to be merged into that of Englishmen, which, after the lapse of a century, is to be changed for another destined to still greater fame.

On the eastern side of the Delaware, Burlington already appears, but will soon be eclipsed by a rival city, which will be the pride and glory of the western world.

\* But I perceive that my subject is carrying me far beyond the object and limits of this discourse. Our history is so full of interesting scenes that I am at a loss how to choose the few traits that I am permitted to exhibit to you.

See you yon gallant ship, sailing with propitious gales up the river Delaware? Her decks are covered with passengers, enjoying the mild temperature of our climate, and the serenity of our autumnal sky. They view with astonishment the novel scenery which strikes their sight; immense forests on each side, half despoiled of their red and yellow leaves, with which the ground is profusely strewn. No noise is heard around them, save that of the deer rustling through the trees, as she flies from the Indian who pursues her with his bow and arrow. Now and then a strange yell strikes the ear from a distance, which the echoes of the woods reverberate, and forms a strong contrast to the awful stillness of the scene. Observe the plainness of the dress of those venerable pilgrims, and see them lift their eyes with silent gratitude to heaven. They are a chosen band of friends who have left the British shores to establish here in peace their philanthropic commonwealth; their ship is called the *Welcome*, Greenaway commands her and, WILLIAM PENN is among them.

Now they land at New Castle, amidst the acclamations of the diversified population which inhabit these shores. The English, the Welch, the Dutch, the Germans, the Swedes, all crowd to hail the great man whom they had been expecting for one long year, and whose fame had already preceded him to these distant regions. The historian will not omit to describe this pleasing scene, and it will be more than once the favorite subject of the painter's pencil. He will choose the instant when William Penn has just landed with his principal followers, while the others are still on board the vessel, or in boats, making for the shore. There you see him supported by his friend Pearson. From his manly port and the resolution which his countenance displays, you

\* He gave it the name of *Printzhoff*.—CAMPANIUS.

† At present *Chester*.



would take him to be a warrior, if the mild philanthropy which beams from his eyes did not reveal his profession, still more than the simplicity of his garb. He who stands before him in British regimentals, and whom he shakes affectionately by the hand, is his relation Markham, whom he had sent in the preceding year to explore the land and prepare the way for the new settlers. Those on the right, a numerous band, are your honored ancestors, some of whom accompany him on the voyage, and others had arrived before, and are now assembled here to greet him. There stands Pemberton, Moore, Yardley, Waln, Lloyd, Pusey, Chapman, Wood, Hollingsworth, Rhoades, Hall, Gibbons, Bonsall, Sellers; Claypoole, whose ancestor, not many years before, ruled the destinies of the British empire;\* West, one of whose descendants will charm the world by his magic pencil, and for whose name and fame rival nations will, in after ages, contend; and many other worthies whom it would be too long to enumerate. On the left is a number of Swedes, whom their national dress, light hair, and northern countenances, sufficiently designate, there you see the brothers Swanson,† who own the ground on which the city of Philadelphia is soon to stand; and whose name one of our streets will perpetuate. With them are Stille, Bankson,‡ Kempe, Rambo, Peterson, and several others, whose names still live in their descendants. Their leader is Lacy Cock,§ whose merit entitles him to a seat in the first council of the new commonwealth. Observe how he extends his hands; promising, in the name of his countrymen, to love, serve, and obey their reverend proprietor, and declaring that this is the best day they ever saw. The Dutch are disseminated through the town which was built by them, as you may easily perceive by the sharp pointed roofs of their houses. They smoke their pipes in silence; and, after their manner, partake of the general joy.

But see, close to that half ruined fort, this motley group of Indians, whose anxiety manifests itself on their countenances, and who view the new comers with looks in which suspicion seems as yet to predominate. They are the Lenni Lenape, whose history and manners are already familiar to you. At their head is TAMANEND, || the great and the good, who is said never to have had his equal for virtue and goodness, and whose memory is still held in veneration by the savage nations. His eye is steadily fixed on William Penn! His great mind has already discovered in him a congenial soul; alone among his tribe, he shows by his looks that noble confidence which will not be deceived. He it is, who under that elm tree, which many of us have seen in its vigor, but which, alas! has not long since been destroyed by the violence of the winter storm, will sign that famous treaty which the genius of the west has immortalised, and which a great writer of another nation ¶ has, with more wit than truth, described as the only one which was never sworn to and never broken. Nor was it violated while William Penn lived, nor while the ascendancy of his great mind was yet operating among us.

\* The Claypoole family are lineally descended from the protector, Oliver Cromwell.

† Their original name was *Swanson*.

‡ Originally *Bengtson*.

§ *Lars* or *Lawrence Cock*, corrupted into *Lacy Cock*.

|| The same whom we call *St. Tammany*. For his character, see Heckewelder's *History of the Indian Nations*, chap. xi. In 1692, we find him by the name of *King TAMANENT*, a party to a deed of release of a tract of land lying between Neshaminy and Poquessing, on the river Delaware, and extending backwards to the utmost bounds of the province. This land he, with others, had previously sold to William Penn. In 1697, he, by the name of the great Sachem TAMANENT, with his brother and sons, signed another deed for lands between Pemmopect and Neshaminy creeks. See Smith's *Laws of Pennsylvania*, vol. ii. pp. 111, 112.

¶ Voltaire.

Afterwards, indeed!—but I will not anticipate on the painful duty of the historian.

This memorable landing took place on the 24th of October, 1682, a day of proud and glad remembrance, which we ought to celebrate on every returning anniversary. While our brethren of Massachusetts commemorate every year, in the dreary time of winter, the landing of their pious ancestors on the barren rock of Plymouth, which their gratitude has consecrated to perpetual veneration; shall we suffer the epoch of the arrival of our great founder, and his venerable band of followers, to pass away unnoticed? Let us begin this very year to distinguish ourselves by a similar act of patriotism, at a time when the season invites, and the bosom of our mother earth is covered with her choicest fruits.

From this day the History of Pennsylvania becomes more particularly your own. If I had not already trespassed too much upon your patience, I would with delight pass in review before you, some more at least of the interesting traits with which this history abounds, and which an abler pen than mine, will, I hope, at no distant day fully delineate. Above all, I should love to dwell on the great character of our immortal founder, and to point out, by numerous examples, that astonishing ascendancy over the minds of the mass of mankind, which enabled him to raise a flourishing and powerful commonwealth by means of all others the most apparently inadequate.

To acquire and secure the possession of an extensive country, inhabited by numerous tribes of warlike savages, without arms, without forts, without the use or even the demonstration of physical force, was an experiment which none but a superior mind would have conceived, which none but a master spirit could have successfully executed. Yet this experiment succeeded in a manner that has justly excited the astonishment of the whole world. "Of all the colonies that ever existed," says Ebeling, "none was ever founded on so philanthropic a plan, none was so deeply impressed with the character of its founder, none practised in a greater degree the principles of toleration, liberty, and peace, and none rose and flourished more rapidly than Pennsylvania. She was the youngest of the British colonies established before the eighteenth century, but it was not long before she surpassed most of her elder sisters in population, agriculture, and general prosperity."\*\* This our author justly ascribes to the genius of William Penn, who disdaining vulgar means, dared to found his power and his commonwealth on the nobler feelings of man.

But I must leave it to the future historian to delineate the character of a legislator who never had a model, and who, though crowned with success, will probably never have an imitator. He will describe the state of this country, during the two years of that great man's residence here after his first arrival; he will tell us how a legislature was formed and assembled within six weeks at most after his landing, whose first act was to recognize as brethren all who believed in one God, the upholder and ruler of the universe; how a code of laws was enacted in three days, founded on the genuine principles of religion, justice, and morality;† he will show the territory which now forms the state of Delaware, united to this province in legislation as well as in government, the friendship of the Indians secured, large territories obtained of them by fair and honorable purchase, a noble city founded, and its walls rapidly rising as it were by enchantment, the country increasing in population and wealth, and enjoying undisturbed peace, prosperity, and happiness, until his absence showed how

\* *Geschichte von Pennsylvania*, p. 1.

† This code was called the *Great Law*, and well deserves the name. The Historical Committee is in possession of a copy of it, extracted by our associate, Mr. R. Conyngham, from the archives of the state. It has never yet been printed entire.



much all these things were due to the immediate operation of his powerful mind.

For during the fifteen years which followed his departure, until his next return in 1699, history will have to picture far different scenes. The territories separated from the province, a schism in the church, and factions in the state, carried to such a degree of violence as to afford a pretext to the British ministry to take into their hands the government of the country, and ignominiously annex it to that of a neighboring colony. The historian will tell how William Penn rose superior to all these difficulties, recovered his former authority, and by his presence here, silenced all factions, re-united the lower counties, and restored the land to its former unanimity and peace. It was then that after four different constitutions had been successively tried and found inefficient, he gave to Pennsylvania that charter, which continued in force until the revolution, and which the people received with expressions of gratitude too soon afterwards forgotten. Unfortunately, this charter contained the seeds of that division between the province and territories, which after his departure broke out again, never to be healed.

It will ever be a source of regret that William Penn did not, as he had contemplated, fix his permanent residence in his province, and that, after the lapse of a short year, he again embarked for England, whence it had been decreed by Providence that he never should return. There is too much reason to believe that in this he yielded to the influence of his wife, and of his daughter Lætitia, who do not appear to have been pleased with a residence in the country.\* Yet Hannah Penn was a woman of great merit, and her name will shine conspicuously, and with honor, in our history. But when we consider her rank, education, and fortune, and the situation of Pennsylvania at that time, we need not wonder that she preferred the society of her friends in her native land to a life of hardship and self-denial in a newly settled colony. And it is easy to conceive how William Penn's return may have been postponed amidst efforts to conquer her reluctance, until other circumstances intervened which prevented it altogether.

A single trait will be sufficient to show what evils would have been averted from Pennsylvania, if William Penn had remained here to the end of his days. Nine years after his departure, when his country was again rent by intestine divisions, and a factious legislature, taking an unmanly advantage of the misfortunes which had of late fallen heavy upon him, were striving by every means to wrest power from his hands, a letter from him to that assembly, in which he tenderly expostulated with them for their ungrateful conduct, produced an entire and a sudden change in the minds of the deluded people, and at the next election his enemies were hurled from the seats which they had disgraced. A truly na-

\*William Penn went to England towards the end of 1701, to prevent the passage of a bill which had been brought into Parliament, for the purpose of depriving him of the government of his province, and vesting it in the king. When he arrived at London, he found that the danger was over, and there appears to have been nothing at that time to have prevented his coming back immediately. It was his intention, when he departed from Pennsylvania, to have left his wife and daughter here as a pledge for his speedy return, but they could not be prevailed upon to remain, at which he appears to have been much grieved, and in the pains which he took to quiet the minds of the inhabitants on this occasion, it is easy to perceive forbodings in his mind which the event but too certainly realized. This is one among the many curious historical facts which are contained in the valuable correspondence of the Honorable James Logan with William Penn, collected and enriched with interesting notes, by a lady whom I shall presently have occasion more particularly to mention.

tional answer, says his biographer Clarkson, and we may add, the strongest proof that can be given of the powerful ascendancy of this great man over minds of an inferior stamp.

It will be the duty of the historian to trace the origin, and mark the rise and consequences of those unhappy feuds which so long agitated Pennsylvania, and embittered the whole life of our illustrious founder. He will find much to be ascribed to the weakness or wickedness of the different lieutenant governors, who ruled the province while William Penn lived, and for some time after his death. With a faithful and impartial pencil, he will delineate the characters of those who successively filled that important station. He will describe EVANS, a rash, intemperate, and licentious young man, ignorant of the people he was called upon to govern, and entirely unfit for the trust committed to him; GOOKIN, an open hearted, honest old soldier, better calculated for the field than for the cabinet; and KEITH, a desperate intriguer, who courted the favour of the people by the sacrifice of his duty to his patrons, and whom that people justly rewarded, in the end, with their contempt and neglect. With the same correct and steady hand, he will portray the other prominent characters, who figured in these scenes. In DAVID LLOYD, he will show a man of strong, natural, and acquired talents, bred in a revolutionary school, skilled in the dangerous art of dividing and leading popular assemblies, tenacious of his ends, too little scrupulous about the means, and indulging his personal resentments against the proprietor, at the expense of the happiness and welfare of his country; while in his antagonist, JAMES LOGAN, he will have to describe a character of a far different stamp; a man of profound learning, skilled in the useful as well as in the elegant sciences; one possessed of a strong and correct judgment, faithful to his trust, and of unshaken integrity, but whose stern Roman virtue could not stoop to defeat by similar means, the intrigues of his adversaries; therefore the world misjudged him; but his great patron knew him well, and appreciated his worth, and he preserved his confidence and that of his family to the last day of his life. History will do him justice, and destroy the unfounded prejudice which a too celebrated book\* has excited against him.

With such opposite characters, we need not wonder that David Lloyd obtained, more than once, unmerited success over his adversary. In popular governments, as well as in others, the arts of the politician too often triumph over integrity and virtue. Yet, though David Lloyd's political conduct was marked by unjustifiable intrigue, there appears no reason to suppose that his mind was naturally base or corrupt. He was hurried by the violence of his passions, and by resentments for some supposed injustice, which he thought had been done to him by the proprietor, into a system of opposition to his government. Thus he was imperceptibly led into an abuse of his popular talents, which, no doubt, when his feelings became more calm, he afterwards regretted.

We find him at a late period, assisting James Logan, in ascertaining the proprietor's title to the lower counties, and those two great men, acting harmoniously together, for the public good. "It is soothing," says the eloquent annotator to Logan's correspondence, to whom we are indebted for this interesting fact; "it is soothing to observe, in the characters of men who, like these, hitherto have been swayed by prejudice or passions, that when the evening of life advances, the storms which have agitated them subside, and the soul, like the sun of the natural world, emerging from the clouds which have obscured it, illuminates the horizon with its parting beam, and the day closes in serenity and peace."

In this short quotation, gentlemen, you have already recognized the elegant and feeling language of our re-

\* The Historical Review, ascribed, perhaps unjustly, to Dr. Franklin,



vered friend, Mrs. DEBORAH LOGAN, in whom the historian that Pennsylvania calls for would soon be found if she could but be persuaded to trust her exquisite talent. But, alas! her mind, that mind formed to instruct and delight the world, is now only tuned to sorrow. History has lost its charms, while her soul is concentrated in the thought of the irreparable loss which she and the country have suffered, and which our Society so justly laments.

And art thou gone, LOGAN? friend of man! friend of peace! friend of science! Thou whose persuasive accents could still the angry passions of the rulers of men, and dispose their minds to listen to the voice of reason and justice! Thou whose life was devoted to the cause of humanity, and to the promotion of harmony and concord between nations! What though party spirit has in vain endeavored to obscure thy virtues, they will live in the faithful page of history, and thy name will be handed down with honor to posterity.\*

We, gentlemen, particularly the members of your Historical Committee, can never forget the powerful aid which, in the pursuit of our literary objects, we have received from our lamented associate. Other scientific institutions also have just cause to regret his loss. I could not, on this occasion, pass him over in silence, nor dispense with scattering a few humble flowerets upon his tomb.

I had planned to have extended this discourse a little further, and to have spoken to you of the errors of the descendants of William Penn, and of the violence of their opponents, whose over heated zeal did not even spare his venerated memory; I would have traced the rapid rise of this country, of this city in particular, and its various public institutions, many of which, and our Society among others, were established before the period of the American Revolution; but after touching on a mournful theme like that which we have just left, neither your minds nor mine are disposed to wander again in the fields of History. I quit them, nevertheless, with regret, deeply impressed as I am with the importance of our domestic annals, and the interest which their narration would possess, if drawn by the pen of an able writer. If by the few traits that I have ventured to sketch with an unskilful hand, I have succeeded in exciting a more general desire to become particularly acquainted with our colonial history; if, above all, it were not too presumptuous in me to expect that this weak attempt will stimulate some person of adequate talents to undertake the honorable task of giving it to the world, then I might indulge the hope that you would not think that I have trespassed so long on your time and attention in vain.

From the Pittsburg Gazette.

#### MONONGAHELA RIVER.

**GREENSBURG CONVENTION.**—On Tuesday, September, 25th, 1833, Delegates from the counties of Monongalia, Harrison, and Lewis in Virginia; and from Allegheny, Washington, Greene, Fayette, and Westmoreland, in Pennsylvania, assembled at the Lutheran, and Presbyterian Church, in Greensboro, Greene county, to deliberate upon the subject of the improvement of the Monongahela.

The Convention was organized by calling Joseph Johnson, Esq. of Harrison county, Virginia, to the Chair, and appointing Thomas Sloane, of Fayette county, Pennsylvania, Secretary.

On motion of Mr. Haymond, of Monongalia, it was Resolved, That a committee, consisting of one member from each county, represented in this Convention, be appointed to select and recommend officers to act in this Convention, and Messrs. Haymond, Davis, Findly, from Washington, Plummer, Prider, Davison, Johnston, and Newlin, were appointed.

\*Dr. George Logan died on the 9th of April last, at his family seat at Stenton, near Germantown.

On motion of Mr. Haymond, it was Resolved, That a committee of one member from each county be appointed to examine and ascertain who are entitled to seats in this Convention, and Messrs. Christie, Love, Ray, Burden, Sangston, Barns, Kincheloe, and Cox, were appointed.

On motion, it was Resolved, That this Convention have a recess for one hour.

**Afternoon Session, 2 o'clock, P. M.**—The Convention met. Mr. Plummer, from the committee appointed to select and recommend officers to preside in the Convention, reported that they recommend the following persons.

President—Joseph Johnson, Esq. of Harrison county, Virginia.

Vice President—James W. Nicholson, of Fayette county.

Secretaries—Wm. Eichbaum, of Allegheny county, Pa.; Thomes P. Ray, Esq. of Monongalia county, Va.

Upon motion, the report was unanimously concurred in. The President, in a pertinent and eloquent address, expressed his grateful acknowledgments for the honor conferred upon him.

The committee appointed to ascertain the names of persons entitled to seats in this Convention reported the following list of persons appointed as delegates.

#### VIRGINIA—Monongalia county.

Matthew Gay,	Wm. Lazier,
John Evans, jr.	T. S. Raymond,
Robt McGee,	Joseph F. Harrison,
*George McNeely,	*Leonard Lamb,
John Rogers,	Thomas P. Ray.

#### Lewis county.

Philip Cox, jr.	Hezekiah D. Sharp,
Wm. Newlin,	Peyton B. Byrne.

#### Harrison county.

Joseph Johnson,	Wm. A. Sandy,
Wm. Johnson,	Wilson Shinn,
Daniel Kincheloe,	Benj. Reeder,
Beverly Roy,	Geo. J. Davison,
Augustin J. Smith.	

#### PENNSYLVANIA—Allegheny county.

*Andrew N. McDowell,	*Henry M. Watts,
*John M. Snowdon,	*Charles Avery,
*W. W. Fetterman,	Robert Christy,
John D. Davis,	Wm. Eichbaum,
Neville B. Craig,	*Robert Burke,
John Walden,	John Arthurs,
*Humphrey Fullerton,	*John Walker,
*Samuel Frew,	*Thomas Warren,
*Adam Hays.	

#### Washington county.

Robert Findley,	Robert Love,
David Shebondy,	*John Jackman,
Wm. K. Vankirk,	Saml. Hill,
*Caleb A. Alexander,	Shesbaziel Bentley.

#### Westmoreland county.

John Powers,	Robert Cunningham,
Joseph Budd,	Joseph Finley,
Menassa Rives,	John F. Beazel,
Alexander Plummer,	William Campbell,
Solomon Spears,	Isaac Shieler.

#### Fayette county.

Andrew Stewart,	James L. Bowman,
Cephas Gregg,	Thomas Sloane,
George Rider,	Joseph Heaton,
James Sangston,	Michael Crow,
Wm. Morris,	Ephraim Walters,
James W. Nicholson,	James Simonson,
Zephaniah Carter.	



*Greene county.*

Joseph Davison, James Barnes,  
 Thomas Lucas, Eli Bailey,  
 Thomas Hughes, Isaac Bursen,  
 Benj. F. Black, Daniel Boughner,  
 George Reppart, Thomas Maple,  
 \*Benjamin Campbell.

Those marked thus (\*) were not present.

Mr. Haymond, from Monongalia, offered the following resolution—

“Resolved, That a committee of two members from each county here represented, be appointed, whose duty it shall be to report, as soon as practicable, the manner in which the object of this convention can be best effected.”

Mr. Stewart offered the following resolutions as amendments.

“Resolved, That a committee of eight persons be appointed to report the best plan for the improvement of the Monongahela river.”

After considerable discussion, the above resolutions were adopted, and the following committees appointed. On the first resolution, Messrs. Haymond, Gay, Sandy, Kincheloe, Cox, Byrne, Arthurs, Davis, Hill, Findley, Black, Boughner, Nicholson, Bowman, Powers, and Plummer. On the second resolution, Messrs. Sloan, Arthurs, Plummer, Findley, Barnes, Ray, Johnson, and Sharp. On the third resolution, Messrs. Stewart, Craig, Beazel, Love, Hughes, McGee, and Newlin.

The convention adjourned to meet to-morrow morning, at 9 o'clock.

*Wednesday, Sept. 26.*—The convention assembled in pursuance of adjournment. The names of the Delegates were called over.

On motion of Mr. Black, Messrs. Irons and Stone, were admitted as delegates to supply vacancies in the delegation from Greene county, and on motion of Mr. Gay, the report of Dr. Howard was read.

On motion of Mr. Christy, Edgar C. Wilson, member of Congress, elect, from Virginia, was admitted to a seat in this convention.

Mr. Haymond, from the committee appointed to report the manner in which the objects of this meeting can be best attained, reported the following preamble and resolutions, which were unanimously adopted.

“We, the representatives in the convention here assembled, having been called together by the spontaneous voice of the people whom we represent, feeling a deep interest in common with the people living upon the Monongahela river, and its tributary streams, a country already advancing to a high state of improvement, increasing in agricultural productions and manufacturing institutions, with a valley extending from Pittsburg about one hundred and fifty miles into Virginia, with a soil capable of great improvement, sustaining a rapidly increasing population, possessing inexhaustible beds of Iron Ore, Stone Coal, and other valuable minerals, the use and manufacture of which may be extended to any amount; having, too, immense forests of the finest timber on the western waters, used, in the present imperfect navigation of the river, altogether for building boats that ply upon the Ohio and Mississippi rivers, the transportation of which can now only be effected in times of high water.

For transportation down the river, we have the productions of our agricultural pursuits, and our lumber, our immense beds of coal, our manufactured iron, glass, and paper, the gross value of which may be estimated at one million of dollars annually.

We are dependant upon the salt works near Pittsburg for our supply of that indispensable article, used in immense quantities in our region of country for stock, manufacturing purposes, and family consumption. The larger portion of our groceries, such as sugar, lead, coffee, tea, &c. are also procured from Pittsburgh, to-

gether with a considerable portion of our dry goods, which articles are now carried, in times of freshets, in Keel and Steamboats, as high up the river as Morgantown, in Virginia.

This convention, conceiving the improvement of the Monongahela river to be a work of great national importance, and from the present flourishing state of the finances of the country, and believing the time has arrived when they may successfully ask of the government of the United States, an appropriation of money for carrying into effect so desirable an object, have come to the following resolutions:

Resolved, by this Convention, That the improvement of the navigation of the Monongahela river, is a subject of deep interest to the people we represent, as well as to the whole surrounding country, and that in our opinion, it is of sufficient national importance to justify the Government of the United States in making an immediate appropriation to complete the improvement of so much of the said river as the survey, plan, and estimate, may require.”

Resolved, That the President of the United States be earnestly requested to direct a continuation of the survey, plan, and estimate, for improving the Monongahela river to such points on the said river, as may be susceptible of improvement, and the interests of the country may require.

Mr. Sloan from the committee appointed to report the best plan for improving the Monongahela river, made the following report.

“The committee appointed to report a plan for the improvement of the Monongahela river, have taken that subject under consideration, and report to the Convention—That the best mode of improving the navigation of that river will be by Locks and Dams.”

On the adoption of this report, Mr. Stewart asked for a division of the House, which was granted; when the ayes were 46, noes 6.

Mr. Stewart, from the committee to prepare a memorial, reported the following, which was *unanimously* adopted:—

## MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

The petition of the undersigned citizens of the western parts of Pennsylvania and Virginia, respectfully presents:

That as friends of a general and diffusive system of national improvement, extending alike to all parts of our common country, they contemplate with high satisfaction, the period as at hand, if not actually arrived, when the extinguishment of the national debt must leave a very large surplus of revenue, applicable to objects of national improvement, uniting and binding more firmly together the distant parts of our happy Union, by the strong and enduring bonds of mutual dependence, resulting from mutual intercourse, and advancing at the same time the commercial prosperity of our country in peace, its strength and security in war. That among the objects of improvement having just claims to a participation in the national bounty, the undersigned feel warranted in presenting the Monongahela river as one worthy of your favorable consideration, and the more especially, when it is considered that this will be in fact but an extension of an improvement already in progress, under the act of 1824, for the improvement of the Ohio and Mississippi to a higher practical point, and to which point this improvement must and will, we trust, be ultimately extended—and here your memorialists beg leave respectfully to state some of the considerations which would indicate the present as the proper period for such extension.

The country bordering on the Monongahela and its tributaries, whether considered in reference to its agricultural and manufacturing capabilities, or its mineral productions and resources, is not surpassed by any por-



tion of country of the same extent and population between this district and the city of New Orleans.

The coal excavated from inexhaustible mines, on the banks of the Monongahela, for more than a hundred miles in extent, now actually supplies the markets, propels the machinery, and feeds the fires of the principal cities and towns on the Ohio and Mississippi. The ore and iron supplied by the same region keep in operation at least one hundred furnaces, forges, rolling and slitting mills, and other iron factories, supplying the new and growing states of the west with this necessary and indispensable article. No less than twenty glass works, manufacturing an average of 4,000 boxes each, per annum—eight extensive paper mills, besides a number of other manufacturing establishments, of cotton, wool, &c., are now in operation within a distance of fifty miles along the Monongahela, and their number rapidly increasing. Within the last year, no less than twenty steamboats, varying from 80 to 600 tons have been built, and from 40 to 50 steam mills built for the manufacture of flour and boards alone, on the banks of the Monongahela, whose productions, for want of the proposed improvement, can now only be transported to the appropriate markets during short and uncertain periods of high water. The aggregate of the mineral and manufacturing productions of the country of the Monongahela and its tributaries, have been estimated at one million of dollars per annum and their agricultural productions may, we think, be safely estimated at an equal sum, and the amount would of course be greatly increased by the powerful stimulus which the proposed improvement would apply to the productive energies of our country.

The fall in the Monongahela river has been ascertained by repeated surveys, to be less than seven inches per mile, for nearly one hundred miles in extent, and the whole sum required to make a perfect steamboat navigation, by locks and dams, falls considerably short of half a million of dollars; a sum altogether inconsiderable, when compared with the great importance of the objects to be attained; and, especially when it is considered that the proposed improvement will extend equal facilities to the ascending and descending navigation, and open a new and extensive market to the sugar, cotton, lead, and other productions of the south, in exchange for the equivocal productions of this upper country.

Your memorialists, therefore, confidently trust, that when your honorable bodies consider the importance of the improvement proposed, and the small sum required for its accomplishment—when you advert to the fact that it is not a new and independent work, but a mere extension of an improvement already in progress, to a higher practicable point—when you look to the mineral, manufacturing, and agricultural resources of the country through which it is to pass, and the immense and diffusive benefits it will confer on the country above and below, by facilitating the commerce, and cheapening the supply of important and indispensable articles to a great portion of the western states, you will not withhold the comparatively small amount required, from an overflowing treasury, for its accomplishment.

Mr. Craig offered the following resolutions, which were unanimously adopted

“Resolved, That the members of this Convention have viewed, with much gratification, the progress made towards the completion of the eastern section of the Chesapeake and Ohio canal; and that they do most earnestly pray that Congress will, during its ensuing session, make an appropriation for the commencement of the western section of this truly national work.

Resolved, That the members of Congress, from the different districts represented in this Convention, be requested to use their influence in favor of such appropriation.”

On motion of Mr. Stewart, it was resolved that a copy of the proceedings of this Convention, and the memorial, be forwarded to the President of the United States,

by the officers of this Convention, with a letter, requesting his early attention to the subject.

On motion of Mr. Gay—“Resolved, That 500 copies of the reports and memorial of the Committees appointed in this Convention, be printed and circulated.

On motion of Mr. Stewart—“Resolved, That the different printers in the counties represented in this Convention, and others favorable to its object, be requested to publish the proceedings of this Convention.

On motion of Mr. Byrne—“Resolved, That each member of the Convention be furnished with a printed copy of these proceedings, by the Secretary.

On motion of Mr. Stewart—“Resolved, That the thanks of this Convention be tendered to the Presbyterian and Lutheran congregations, in Greensboro and vicinity, for their liberality in affording to the Convention the use of their church, and to the citizens of Greensboro, New Geneva, and their vicinities, for their kind hospitality to the delegates assembled.”

On motion of Mr. Craig—“Resolved, That the thanks of this Convention be presented to the President, for the able, dignified, and impartial manner, in which he has discharged his duties as presiding officer.”

On motion of Mr. Stewart—“Resolved, That the thanks of this Convention be offered to the Vice President and Secretaries, for the able and efficient manner in which they have discharged their duties.”

On motion of Mr. Lazier—“Resolved, That this Convention do now adjourn.”

From the Columbia Spy.

DEPUTY SHERIFF.

Mr. Printer,—

An interesting question has arisen and is much considered in Lancaster county—Whether a Deputy Sheriff, who has served as such for three years, is legally eligible to the office of High Sheriff. Having investigated the matter for my own entertainment, I send you the result of the examination. If you think it will inform and entertain others, please place it in the Spy.

On adverting to the law on the subject of constituting Sheriffs, from the first settlement of Pennsylvania to the present day, we find, that

The Proprietor took as his guide when limiting the time a Sheriff was to hold his office, the English Statutes then in force. By the Charter of Privileges, granted by William Penn, October 1701, Section 3, the freemen in each county in Pennsylvania were authorized to “choose a double number of persons to present to the Governor for Sheriff, to serve for three years if they so long behaved themselves well, one of which might be commissioned by the Governor, within three days after, and if not commissioned in that time, the first-named on the presentment should stand and serve for a limited time.”

On the 12th of January, 1705, an act of the Provincial Legislature was passed “For regulating the elections of Sheriffs and Coroners,” containing, substantially the same provisions as the Charter, except as to the time the office was to be held, which, by the act, was limited to one year. At this time so low was the responsibility of the Sheriff rated, that in Philadelphia county, he was to enter into recognizance for the faithful performance of his duty, in the sum of only £600, currency, and in Bucks and Chester, the only other counties in the then province, in the sum of \$200 for each.

Nothing further occurred in legislation regarding the election of Sheriffs, until the act of the 14th February, 1729—30; into which the 20th Section was introduced, which is as follows: “For the more effectually preventing oppressions to his Majesty’s subjects within this province,—Be it further enacted, That no Sheriff within this province shall continue in his office above three years; and no man, who hath been Sheriff or Under Sheriff of any county, by the space of three years, shall



be chosen Sheriff of that county again, within three years next ensuing, upon pain of forfeiting £200, by him who shall occupy his office, contrary to the effect and intent of this act." This act, neither in its letter or spirit, declares that a Sheriff, or Under Sheriff, who has been such for three preceding years, shall not be again eligible, and that his election shall be void, but lays those under a forfeiture of £200, who shall occupy the offices contrary to the intent and effect of the act. It is a penal act, subjecting certain persons to a penalty, and it is to be construed strictly. The Sheriff occupying the office under the circumstances specified in the law, was liable to the forfeiture and nothing more. The law did not declare the Under Sheriff ineligible by the people, for he had never been elected by them before nor has been since.

That this was the construction of this section of the law at this time, is to be inferred from this—that next year, 1730—31, an act was passed, explanatory of the act of 1729—30; which declared that the election of a Sheriff or Under Sheriff should be null and void, which there would have been no need of, if the act of 1729—30 had expressed the same thing. And even if the 20th section of that act is in operation and effect, the explanatory act being as we shall see annulled, it cannot be so construed as to exclude a Deputy from being elected Sheriff. This last mentioned act is included in the list of acts repealed and obsolete, inserted in 1st Smith's laws 20.

But if the acts of 1729—30, and 1730—31, rendered the election of a Sheriff or his Deputy who had been in office three years absolutely void, both those acts have been superceded, abrogated and repealed, more than fifty years since.

The 31st section of the third chapter of the Constitution of Pennsylvania, formed on the 28th September, 1776, made provision for the election of Sheriffs and the duration of their office. This provision is incompatible with the 20th section of the law of 1729—30, and being paramount and superior to all legislative enactments, operated as a repeal of this act. This new constitutional regulation as to Sheriffs, recognized no disability of a Deputy or Under Sheriff, as a consequence of his term of service. This clause of the constitution contained all that was requisite to be guarded against on the subject of the election of Sheriffs, and this new enactment in its nature took place and superceded all preceding ones. By it the law of 1729—30, was annulled. The constitutional law of 1779 continued until 1790, when the existing constitution was adopted. The 6th article, section 1, contains the whole of the fundamental law regarding the election of Sheriffs, and directs that no person shall be twice chosen or appointed Sheriff, in any term of six years. The only person intended to be excluded from election was the Sheriff who had been in office three years, for if it had been intended to exclude his Deputy he would have been named. Every citizen has a right to be elected to and enjoy any office, unless he is excluded by the constitution of the state, or a law made under and consistent with it. Neither can the right of a citizen who had been once a Deputy Sheriff, to be elected to and enjoy the office of Sheriff be taken away but by express words. It is an invaluable franchise of which he cannot be deprived, by mere construction. "For preventing oppression to his Majesty's subjects," one hundred and three years since, a legal provision excluding an Under Sheriff of three years service from being chosen Sheriff of the county, might have been expedient, but the republican makers of the constitution of 1776, and 1790, valued more highly, and treated more tenderly, the right of the citizen, who had been either a Deputy or Under Sheriff, and left him without restriction, and the people at liberty to make a High Sheriff of him, if they pleased.

At the time of passing the law of 1729—30, there was an officer, known under the name of Under Sheriff of the county, who was appointed by special direction of

the stat. 3d, Geo. I. chap. xv. sect. 1, 10, 11, and who was to act as Sheriff in case of the death or inability of his principal. 2 Johns Rep. 73. It was this officer, strictly so called, and not a general deputy, that was intended by this act of 1729—30. Deputy Sheriffs in Pennsylvania, are the same officer as a Sheriff's General Bailiff in England, and not the officer known there as Under Sheriff. The Under Sheriff gave security to the King and took a long special oath of office, before he could act. Vide 6 Bac. Abr. 150, 151. An Under Sheriff has higher and different powers than a Deputy Sheriff, or a Deputy, as such, cannot make a Bailiff, nor assign a bail bond, nor make return to writs, as Under Sheriffs may do in England. 6 Bacon Abr. 154.

From the preceding we think it results, that the 20th section of the act of 1729—30, and the act explanatory of it, passed in 1830 31, never applied to a Sheriff's Deputy or General Bailiff of the Sheriff, as created in Pennsylvania, but to an Under Sheriff, an officer well known to the English law in 1730; but who, since 1776, has not been appointed, commissioned or sworn in Pennsylvania, under the stat. 3d, Geo. I. cap. xv. above quoted. And also, that both those acts of Assembly are repealed and superceded, first by the constitution of 1776, and again, by the constitution of 1790; and therefore, that a Deputy Sheriff may be elected to the office of High Sheriff, although he may have served during the term of three years preceding such election.

A. B.

#### ORDINANCES FOR THE MANAGEMENT OF THE GIRARD ESTATES, AND GIRARD COLLEGE.

##### *A further Ordinance for the Management of the Girard Estates.*

Section 1. Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That the Ordinance passed the 15th day of September, Anno Domini 1832,\* entitled "An Ordinance for the Management of the Girard Trusts," except the 12th and 13th sections thereof, be, and the same is hereby repealed.

Section 2. And be it further ordained and enacted by the authority aforesaid, That annually, at the time of choosing a Treasurer, as provided for in the said 12th section, the Select and Common Councils, in joint meeting, shall choose one suitable citizen of Philadelphia, to be Agent of the Girard Estates, and who shall not be a member of either Council, who shall continue in office until his successor is duly constituted, and whose especial duty it shall be to superintend all the real estate in the city and county of Philadelphia, devised to the city by the late Stephen Girard, and to collect the rents thereof, and to perform such other services appertaining thereto, as may be enjoined upon him by ordinance or resolution of Councils.

Section 3. And be it further ordained and enacted by the authority aforesaid, That the said Agent, before entering upon the duties of his said office, shall give bond, with two sufficient sureties; approved by the Mayor, to the Mayor, Aldermen and Citizens of Philadelphia, in the penal sum of fifteen thousand dollars, conditioned for the faithful performance of the duties of his office.

Section 4. And be it further ordained and enacted by the authority aforesaid, That immediately after the passage of this ordinance, and annually thereafter, at the first meeting of Councils, the Select and Common Councils shall each choose, by ballot, four members of each Council, who, together with the Mayor of the city, shall constitute a Board of Commissioners of the Girard Estates, who shall meet once in each week, a majority of whom shall be a quorum, with authority to



lease or rent the real estate in the city and county of Philadelphia, devised to the city by Stephen Girard, whenever the same or any part thereof shall be vacant, to take all necessary and proper measures for its preservation and repairs, and for the recovery and collection of the rents accruing thereon, and whose duty it shall be to attend to the investment of all moneys in the hands of the said Treasurer, which, in pursuance of the will of Stephen Girard, or of any ordinance or resolution of Councils, it may be necessary to invest, and shall exercise a general supervision and superintendence over the subjects referred to in this ordinance, and to perform such other duties as by this or any other ordinances or resolutions of Councils may be required; and to appoint a suitable person, if such appointment should be deemed necessary by the Commissioners, to inspect and superintend all the lands and farms lying in the county of Philadelphia, and make report to the Commissioners, whose compensation shall be fixed by the said Commissioners; provided it does not exceed the sum of five hundred dollars per annum. Provided always, that all leases and agreements for the renting of real estate, shall be executed by the Mayor, for and in behalf of the Mayor, Aldermen and Citizens of Philadelphia.

Section 5. And be it further ordained and enacted by the authority aforesaid, That the said Board shall keep regular minutes of their proceedings, and all orders by them made, and may appoint a Secretary, and assign to him a reasonable compensation.

Section 6. And be it further ordained and enacted by the authority aforesaid, That the Agent shall, at least twice in each week, justly and truly account with the Treasurer for all moneys that may come into his hands, and pay over the same to the said Treasurer. And in case of the failure or refusal of such Agent to account or pay over, it shall be the duty of the Treasurer to report the same immediately to the Presidents of the Select and Common Councils, who shall forthwith call a meeting of Councils, who may remove the said Agent from office.

Section 7. And be it further ordained and enacted by the authority aforesaid, That the said Treasurer shall receive all money arising out of the real or personal estate devised and bequeathed to the city by Stephen Girard, and shall forthwith deposit the same in such incorporated bank, within the city, as the Board of Commissioners hereinbefore provided for, or the Councils, may direct; and he shall keep full, clear and accurate accounts of all his receipts and disbursements, in such form, and with such securities against fraud, as the Board of Commissioners hereinbefore provided for shall approve, or as the Councils may direct. Provided, that he shall exactly comply with all directions relating to the mode of keeping his accounts contained in the will of Stephen Girard, and especially in the 24th section thereof: and provided further, that such system of accounts shall correspond as nearly as may be practicable with that now used by the City Treasurer.

Section 8. And be it further ordained and enacted by the authority aforesaid, That the said Treasurer shall pay no moneys except upon the warrant of the Mayor, founded upon an actual appropriation by Councils, unless where such moneys are to be drawn for the purpose of investing; and the warrant of the Mayor shall be founded in all cases on a requisition of a majority of the Board of Commissioners hereinbefore provided for, setting forth distinctly its object.

Section 9. And be it further ordained and enacted by the authority aforesaid, That the said Board shall prepare, and present to Councils, at the first meeting in January, April, July, and October of each year, a report in duplicate of their proceedings for the three months ending on the 31st of December, the 31st of March, the 30th of June, and the 30th of September next preceding, accompanied by an estimate of the appropriations necessary for the management of the Girard Estate (including the improvement, preservation, and repairs of

real estate,) and by such other suggestions for the information of Councils as may seem to them important.

Section 10. And be it further ordained and enacted by the authority aforesaid, That the said Treasurer shall prepare, and present to Councils, at the first meeting in each year, a detailed account, in duplicate, concerning the moneys arising from the estate of Stephen Girard, and the investment and application thereof; and also a concise but plain account of the state of the trusts, and of the devises and bequests of the said Stephen Girard, for the year ending the 31st December next preceding. And he shall, moreover, furnish to Councils, immediately after the expiration of each quarter, an exhibit of all the receipts and disbursements of the fund, and such other information, within the scope of his duties, as the Board of Commissioners, hereinbefore provided for, or Councils, may from time to time require.

Section 11. And be it further ordained and enacted by the authority aforesaid, That the salary of the Agent shall be fifteen hundred dollars per annum, and the salary of the Treasurer shall be fifteen hundred dollars per annum, payable quarterly out of the Girard Fund.

Section 12. And be it further ordained and enacted by the authority aforesaid, That a Joint Committee of three members from each Council shall, until it be otherwise ordered, have charge of the real estate out of the city and county of Philadelphia, devised to the city by Stephen Girard, with like powers in relation to its management, as the several standing committees upon city property have.

Section 13. And be it further ordained and enacted by the authority aforesaid, That the Board of Commissioners created by this ordinance, may occupy any suitable building belonging to the Girard Estates, for the purpose of conducting their business, and securing all papers, documents and vouchers relating thereto.

Section 14. And be it further ordained and enacted by the authority aforesaid, That the books, records and documents of the Board of Commissioners shall be open to the inspection of the members of the Select and Common Councils.

Section 15. And be it further ordained and enacted by the authority aforesaid, That no member of the Select and Common Councils shall hold any station whatever to which emolument or compensation may be attached in anywise connected with the Estate of Stephen Girard, or the trusts created by his will; nor shall any such member, or any officer or agent by them appointed, or any officer of the Corporation of Philadelphia, be appointed or employed, or directly or indirectly interested or concerned in any contract, engagement or arrangement for doing any work, or furnishing any materials whereby any profit or advantage may enure to him, in anywise connected with the Girard Estate or Trusts.

Section 16. And be it further ordained and enacted by the authority aforesaid, That a Special Standing Committee of Accounts, consisting of three members of each Council, shall be chosen annually by ballot of each Council, at a stated meeting of Councils in October, who shall examine quarterly, or oftener if they shall deem it necessary, the Treasurer's account comparing the actual receipts and expenditures with the entries and exhibits thereof. They shall ascertain by reference to the contracts, engagements, resolutions and records of the Board of Commissioners, or of any ordinances or resolutions of Councils, in such manner as may be satisfactory to them. They shall compare the sums received and paid with the sums actually charged and credited in the Treasurer's account, and as soon as they have completed their quarterly investigation, or as often as they may deem it expedient, report the same to Councils.

Enacted into an ordinance this tenth day of January, A. D. 1833.



## RULES

*For the Government of the Board of Commissioners of the Girard Estates.*

Section 1. The officers and agents of the Board shall be a President, a Secretary, an Agent of farms and lots, and a Messenger: all of whom shall hereafter be elected by ballot annually in October.

Section 2. The salary of the Secretary shall be \$400 per annum. He shall perform all the duties usually performed by secretaries, in such manner as the Board may direct, and shall attend at the office two hours every day.

Section 3. The salary of the Messenger shall be \$200 per annum.

Section 4. The Board shall be divided into three standing committees, of three members each.

1. A Committee on Real Estate, who shall have the more immediate care of the buildings belonging to the estate in the city and liberties.

2. A Committee on Farms and Lots, who shall have charge of that description of the property of the estate, which they shall visit at least twice in each year; and whose duty it shall be to consider whatever relates to the improvement of lots by building upon them, or disposing of them by lease.

3. A Committee of Accounts and Finance, who shall examine all accounts presented to the Board, and who shall have all matters relating to stocks and investments under its care.

Section 5. The stated meetings of the Board shall be held on the evenings of Saturday in each week, at seven o'clock, from the first of November to the first of April, and the remainder of the year on Tuesday mornings at nine o'clock.

Section 6. Special meetings of the Board may be called by the President, or at the request of two members. The Secretary shall insert on the notices of such meetings the object of the call, and no other business shall be transacted without the consent of all the members present.

Section 7. The order of business at the stated meetings shall be,

1. The roll called and the minutes of the preceding meeting read, corrected if necessary, and adopted.

2. Communications from the Treasurer.

3. Communications from the Agent.

4. Communications from the Agent of Farms.

5. Reports of Committees.

6. Unfinished business from the minutes.

Section 8. The office hours of the Treasurer shall be from nine o'clock A. M. to three o'clock P. M.

Section 9. That the President shall appoint all Committees, unless otherwise ordered by the Board.

*An Ordinance for the management of the Girard College.*

Section 1. Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That the Mayor of the city, the President of the Select Council, and the President of the Common Council, for the time being, and fifteen other persons, to be chosen in the manner hereinafter specified, shall constitute a Board of Directors of the Girard College, whose duty it shall be to superintend the organization and management of the said college in conformity with the will of the late Stephen Girard, and with such ordinances as the Select and Common Councils may from time to time enact in relation thereto.

Section 2. And be it further ordained and enacted by the authority aforesaid, That the Select and Common Councils shall assemble in joint meeting, on the first Monday of February in each year, and shall then and there record the names of such citizens of the city of Philadelphia as may by any member or members of either of the Councils be proposed as members of such board of trustees, and it shall be the duty of the clerks

of such joint meeting to cause publication to be made immediately thereafter, of all the names so recorded, in at least four of the daily newspapers printed in the city of Philadelphia, three times in each.

Section 3. And be it further ordained and enacted by the authority aforesaid, That the Select and Common Councils shall assemble in joint meeting on the second Monday in February next, and shall then and there choose, by ballot, fifteen citizens of Philadelphia, not members of either Council to be trustees of the Girard College.

Section 4. And be it further ordained and enacted by the authority aforesaid, That as soon as the said elections shall be completed, the Clerks of the Select and Common Councils shall divide the persons so chosen, by lot, into three classes, of five each, the first class to serve one year, the second to serve two years, and the third to serve three years, and shall record the result upon the minutes of the joint meeting.

Section 5. And be it further ordained and enacted by the authority aforesaid, That on the second Monday in February of each succeeding year, the Select and Common Councils, in joint meeting, shall elect five citizens of Philadelphia, not members of either Council, to serve as Trustees of the Girard College for the term of three years next ensuing, and to supply the place of those whose term of service shall have expired.

Section 6. And be it further ordained and enacted by the authority aforesaid, That any vacancy in the Board of Trustees, arising from the death, resignation, or removal from the city of any member, or from the circumstance of any person elected declining to serve, shall be supplied by a special election, to be had as early as convenient after such vacancy is known to exist.

Section 7. And be it further ordained and enacted by the authority aforesaid, That the Trustees first chosen shall meet within ten days after their appointment, and shall elect one of their own number to be President, and one other person, not of their own number, to be Secretary of the Board, and that the election of President and Secretary shall take place, in each succeeding year, at the meeting next after the second Monday in February.

Section 8. And be it further ordained and enacted by the authority aforesaid, That the Secretary so chosen shall keep regular minutes of the proceedings and transactions of the Board, and shall perform such other services as the Councils or the Trustees may from time to time require, for all which he shall receive a reasonable compensation, to be fixed by the Board of Trustees, not exceeding six hundred dollars per annum, payable quarterly.

Section 9. And be it further ordained and enacted by the authority aforesaid, That no member of the said Board of Trustees shall be allowed or receive any compensation for his services, directly or indirectly, nor shall any member of the said Board, or of the Select or Common Council, at any time, hold any station or perform any work or duty, to which compensation or emolument may be attached, relating to the said college, nor shall such member of the Board, or any officer, or agent by them appointed, or any member of the Select or Common Council, be directly or indirectly concerned in any contract, arrangement, or engagement, for doing any work, or furnishing any materials, whereby any profits or advantage may ensue to him, relating to the erection or management of said college.

Section 10. And be it further ordained and enacted by the authority aforesaid, That it shall be the duty of the said Trustees, as soon as practicable, to prepare and submit to Councils for their approbation, the plan of a system of government and instruction for the said college, having reference to the provisions of the will of Stephen Girard, so far as they are express upon this subject.

Section 11. And be it further ordained and enacted by the authority aforesaid, That the Trustees of the Girard College shall, from time to time, as occasion may



require, present to Councils detailed estimates of the sums of money required for the performance of the duties assigned them, in order that all necessary and proper appropriations may be made; but that such Trustees shall not enter into any contract or engagement whatsoever, unless expressly authorized to make the same, or unless a regular appropriation has been made for that object.

Section 12. And be it further ordained and enacted by the authority aforesaid, That the power of appointing and removing all officers, Professors, Tutors, and Agents, necessary for the government and instruction of the Girard College, and of admitting and dismissing scholars, subject to all the provisions of the will of Stephen Girard relating thereto, shall be vested in the said Board of Trustees and in their successors for ever.

Section 13. And be it further ordained and enacted by the authority aforesaid, That ten of the said Trustees shall be a quorum for the transaction of business, who, in the absence of the President, shall appoint a President pro tempore.

Enacted into an Ordinance, January 31st, 1833.

### PRISON DISCIPLINE.

The annexed circular and queries lately issued by the Philadelphia Society for alleviating the miseries of public prisoners, are recommended to the attention of those who can furnish the desired information. To the zeal and industry of this Society the state is already largely indebted for many improvements in our penal system, and it is with a view to collect facts, tending to point out further defects, and suggest future remedies, that these queries are now addressed to gentlemen throughout the state.

*Office of the Philadelphia Society for Alleviating the Miseries of Public Prisons.*

No. 119, WALNUT STREET, PHILADELPHIA, SEPTEMBER 16, 1833.

SIR—

The Philadelphia Society for Alleviating the Miseries of Public Prisons, feel a deep solicitude to obtain accurate information in relation to the state of the County Jails throughout this Commonwealth, and have directed the undersigned to request you to aid them in obtaining their object.

The undersigned, therefore, take the liberty of transmitting to you the enclosed questions, and will feel particularly obliged if you will give them the desired information, as regards the Jail of your County, at as early a period as will suit your convenience.

Yours,

Very respectfully,

JAMES J. BARCLAY,  
BARTHOLOMEW WISTER,  
Secretaries and Committee of  
Correspondence of the P. P. S.

### QUESTIONS.

1. When was your County Jail erected? What are its dimensions, and the number and size of the rooms? Of what materials is it constructed, and what did it cost? How many of the rooms are appropriated to the use of the prisoners? Is there any dungeon, and if so, is it now used, or how long since it has been used? How many yards are there, and how often do the prisoners take exercise in them?

2. Are there any solitary cells, and are they so placed as that prisoners can hold any communication with each other, while so confined? State the number and dimensions of the cells, and the mode of warming, ventilating, and lighting them. What is the longest, and what the usual time of confining prisoners in the solita-

ry cells? By what authority are prisoners so confined? Are they employed while in these cells, and at what work?

3. How is the Prison warmed and ventilated?

4. What means are used to classify the prisoners? Is all communication between the sexes prevented? Are the untried prisoners separated from the convicts and vagrants? Do the debtors ever associate with the untried prisoners or convicts?

5. How are the convicts fed and clothed? What is the ration allowed each convict? What provision is made by the County for the support of the untried prisoners and vagrants? Do they receive any provisions and clothing from their friends?

6. Are any ardent spirits allowed to the prisoners?

7. In case of sickness, how are the prisoners taken care of? Is there a physician employed by the County?

8. What kind of bedding is furnished to the prisoners?

9. What is the average number of prisoners in jail during the year?

10. What has been the annual number of commitments for the last ten years, and what the offences for that period?

11. What are the annual expenses of your Prison?

12. What effect has been produced by imprisonment in your Jail, on the morals and health of the prisoners?

13. Is it contemplated to erect a new Jail in your County, or to alter the present one?

14. Is any religious or other instruction given to the prisoners, and to what extent?

15. Are the prisoners employed?

16. Have there been any escapes from your Jail for the last ten years? State the number, and means by which they have been effected.

17. What punishments are inflicted on the prisoners for misbehaviour? What proportion of prisoners has been re-committed to prison after their discharge?

Any other information you may be pleased to communicate, will be thankfully received.

### ANNUAL REPORT OF THE LUNATIC ASYLUM.

Sixteenth Annual Report on the state of the asylum for the relief of persons deprived of the use of their reason.

The Managers of the Asylum submit to the contributors the following detailed account of the state of the Institution, and of their proceedings since their last report.

During the past year 32 patients have been admitted into the Asylum; and the number under care at the commencement of the year was 46. Twenty-six patients have been discharged during the year; ten have died; and there remain in the house 42 patients. Of those who have been discharged 15 were restored; 3 much improved; 3 improved; and 5 without improvement. Of those who remain in the house, 7 are restored; 5 are much improved; 5 are improved; and of the remaining 25, in whom there is little or no improvement, 21 are old and apparently incurable cases. Of the ten cases of death which occurred, 2 were of extreme old age, and one was that of a patient brought to the Asylum in a state of extreme exhaustion.

From the Treasurer's report, it appears that the balance in his hands on the 1st instant, was 389 dollars 6 cents. The sum which has accrued for the board of patients is 6394 dollars 62 cents; the sum of 1433 dollars has been received in contributions and donations. The whole amount expended for all purposes, has been 10,650 dollars 96 cents, exclusive of 1030 dollars due and unpaid.

The managers have erected a substantial stone wall ten feet high, around the patients' yards, in pursuance of the authority granted to them by the contributors. The cost of this improvement has been 3262 dollars 30



cents. It has also been found necessary to erect additional furnaces for warming the wings by heated air, to remove the old furnaces, the construction of which rendered them dangerous, and nearly useless—and to replace them by others differently constructed. The new warming apparatus has been found fully to answer its intention, and to keep the day rooms, and the chambers and passages of the wings and end buildings entirely comfortable in the coldest weather of the past season. About one thousand dollars has been expended in these alterations.

The managers have been obliged to borrow two thousand six hundred dollars, to enable them to meet these and other expenses; thereby increasing the debt of the contributors to 12,100 dollars.

In our last report, it was stated that Dr. Edward Taylor and his wife had given notice to the managers of their intention to leave the Asylum, and that John C. and Lætitia Redmond, had been chosen to succeed them. Dr. Taylor resigned his charge to his successor early in the third month last, and remained a few days at the Asylum, in order to introduce the new Superintendent. On the 15th of that month his valuable wife was seized with paralysis in getting out of the carriage, after having attended the meeting at Frankford, and died on the 23d of the same month. Her duties as matron of the Asylum had been arduous, and she had fulfilled them in a manner highly acceptable to the managers. Her death, at the time when she was preparing to enjoy the leisure of a private home, is an affecting and instructive example of the uncertainty of earthly expectations.

The change in the Medical department alluded to in our last report, was soon afterwards completed, by the appointment of Dr. Thomas S. Kirkbride, as House Physician. The manner in which this part of the Institution has been conducted, is satisfactory to the managers; and we subjoin from the Annual Report of the Physicians, the following paragraphs, as containing interesting and useful information.

“During the last year, thirty-two patients have been received into the Asylum; these, with the forty-six remaining at the last annual report, make seventy-eight patients, resident in the Institution during the year ending 3rd Mo. 9, 1833. In noticing the results of the treatment of these patients, our statement will be rendered more clear, by classifying them according to the duration of the disease; a point on which its curability mainly depends.

“The first class includes those who have been effected six months or under; the second, those whose disease has lasted more than six months, and less than one year; the third class comprehends those, whose disorder has existed more than one year, and less than five; and the fourth class includes affections of more than five years, standing. We think it will be obvious from the statement, that in the treatment of insanity, as in every other disease, success is correspondent to the promptness with which the means of cure are administered: when promptly attended to, and the patient placed in a situation where he is under a proper system of management, a favorable result may generally be anticipated; but if this is neglected, and the malady becomes chronic, few are more difficult of cure. It is of the greatest importance, then, that those interested for persons suffering under this disease, who are entitled to admission into the Asylum, should place them there at as early a period of the attack as practicable, in order that they may reap the full benefit of those advantages, which an institution exclusively devoted to the relief of such cases, must necessarily possess over every domestic arrangement. Of the forty-six patients remaining at the last annual report, there were

1st class.	2d class.	3d class.	4th class.	
6	1	5	34	—46

Of the thirty-two patients received during the present year, there were,				
16	4	10	2	—32
22	5	15	36	—78

<i>Of the first class,</i>		
Under six months,	There have been restored,	14
	Much improved,	3
	Improved,	1
	Without improvement,	1
	Died,	3
		—22

<i>Of the second class,</i>		
Over 6 months and under 1 year,	There have been restored,	2
	Much improved,	1
	Improved,	1
	Died,	1
		—5

<i>Of the third class,</i>		
Over 1 and under 5 years,	There have been restored,	2
	Much improved,	3
	Improved,	1
	Without improvement,	5
	Died,	4
		—15

<i>Of the fourth class,</i>		
Over 5 years,	There have been restored,	4
	Much improved,	2
	Improved,	4
	Without improvement,	24
	Died,	2
		—36
	Total,	—78

“In this statement are included several cases of relapse, the subjects of which have been for a long time liable to periodical attacks of mania; they are here considered as “recent,” as they have been promptly relieved by treatment.

“Two of the cases of the first class, marked as “much improved,” are convalescent, but sufficient time has not elapsed for their entire restoration.

“Of the six cases reported last year, as restored and remaining in the house, four were subject to periodical attacks of mania; three of whom have received medical treatment during the present year, rendered necessary by the recurrence of their disease.

“In concluding this report, we will observe, that where a judicious system of medical treatment is steadily pursued, in such an institution as the Asylum, it exerts a strong influence on other departments, which would not at first sight be obvious. The main object being the welfare and comfort of the patients; all other considerations are made to give place to this. A course of moral treatment, is almost a necessary consequence of a proper sense of the value of medical remedies. They in fact are parts of the same system. After what are called medical means have been successfully resorted to, to remove obvious physical disease, moral treatment will then be found very efficient in restoring and strengthening the functions of the diseased organ. And we believe it is only by thus uniting them, that full benefit can be derived from either.”

ROBERT MORTON,  
CHARLES EVANS.

Philadelphia, 3d Mo. 9, 1833.

An unavoidable consequence of this change in the medical department, has been a considerable increase of expenditure. And although we believe the Asylum, as a Hospital for the insane, has never been in a more satisfactory and encouraging condition, we view the state of its finances with much solicitude.

The receipts from the Board of Patients are insufficient to defray the current expenses; which cannot be



materially curtailed, without essentially injuring the efficiency of the Institution.

This deficiency, there is ground to fear, will increase: and we earnestly solicit the friends of the institution, to make a strenuous effort to obtain subscriptions for the relief of its funds.

The contributors at their last meeting, appointed a committee to obtain donations and contributions; and it was agreed, that all the Agents of the Monthly Meetings should be members of that Committee. They are therefore earnestly requested to exert themselves on behalf of the Asylum. We hope, that an Institution which has long been a favorite object with Friends, which has so well answered the purpose in view, and which is yet so heavily burdened, will not be allowed to sink beneath a weight of debt; but that by timely exertion throughout the Yearly Meeting, a sum may be raised, which shall place the Institution on a safe and prosperous basis.

#### RECAPITULATION.

Patients in the House 3d month, 1832,	46
Received since,	32
Making	78
Of whom there have been discharged or died,	36
Leaving at present in the Asylum,	42

#### OF THOSE DISCHARGED, THERE WERE,

Restored,	15
Much improved,	3
Improved,	3
Died,	10
As admitted,	5
	—36

#### OF THOSE AT PRESENT IN THE HOUSE, THERE ARE,

Restored,	7
Much improved,	5
Improved,	5
Stationary,	25
	—42

*The Account of the Contributors to the Asylum &c from 3d month 1, 1832, to 3d month 1st, 1833, inclusive.*

#### EXPENDITURES.

<i>Asylum Buildings and Yards,</i>		
Order for 410 dollars unpaid,		\$4082 17
<i>Salaries and Wages,</i>		1965 18
<i>Farm and Family Expenses,</i>		3563 96
<i>Medical department—</i>		
Physician's Salary,	\$200 00	
Supplies,	154 05	
		354 05
<i>Furniture,</i>		119 25
<i>Incidental Expenses,</i>		
Order for \$10 unpaid,		94 10
<i>Interest,</i>		
100 dollars unpaid,		472 25
<i>Balance, viz:</i>		
Due from sureties of patients,	1590 65	
In hands of the Treasurer,	389 06	
do. Superintendent,	500 00	
		2479 71
		<u>\$13,130 67</u>

Average number of patients in the Asylum, since last report, 45 2-3 as per monthly enumeration.

#### RECEIPTS.

*Balance last year.*

Due from sureties of patients, \$1520 47

In the hands of the Treasurer,	593 78
do. Superintendent,	500 00
	<u>\$2614 25</u>

#### *Board of Patients.*

Chargeable this year,	6355 59
Damages done by patients,	39 03

#### *Ground Rents.*

Two year's due 1st mo. 1st, 1833,	88 80
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#### *Loans this year.*

At five and a half per cent. per annum,	2600 00
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#### *Contributions, Life Subscriptions.*

Members of Philadelphia Mo. Meeting,	100 00
do. Northern District,	275 00
do. Southern do.	75 00
do. Western do.	175 00
do. Abington do.	25 00
	<u>650 00</u>

#### *Donations.*

From Members of Philadelphia Mo. Meeting,	135 00
do. Northern District,	361 00
do. Southern do.	45 00
do. Western do.	197 00
do. Abington Mo. Meeting,	30 00
From a friend at Baltimore,	15 00
	<u>783 00</u>
	<u>\$13,130 67</u>

Amount of debt on which interest is payable is 12,100 dollars.

*Extract from the "Rules for the Management of the Asylum."*

#### OF THE ADMISSION OF PATIENTS.

When application for the admission of a patient is made, a certificate, obtained, when practicable, from a physician in the neighborhood, ought to be submitted to the visiting managers, giving a statement of the cause according to the form, and in reply to the queries subjoined.

I do hereby certify, from my own knowledge that of aged years, is in a state of insanity, and proper to be received into a house provided for the relief of persons of that description.

I further certify, that the answers annexed to the following queries are correct, as far as I can judge.

1. How long has the patient been afflicted with insanity?

Answer.

2. What medical, or other means have been used?

Answer.

3. Has the patient shown any disposition to injure him or herself or any other person?

Answer.

4. Does any other complaint exist?

Answer.

5. What other circumstances have occurred tending to throw light on the subject?

Answer.

1833.

M. D.

Previous to the admission of such patient, an examination shall be made of the case, by the attending or one of the consulting physicians, and his certificate obtained that such person "has been examined by him, is found to be deprived of the use of his or her reason, and may with propriety be admitted as a patient into the Asylum;" and the following bond shall be signed by two persons, as sureties, (one of whom must reside in or near Philadelphia,) for the regular payment of such board as may be agreed upon by the visiting managers.

Application is hereby made for the admission of as a patient into the Asylum for the relief of persons deprived of the use of their reason; upon whose admission, we severally engage to



provide a sufficiency of suitable clothing for use whilst there; to pay to Superintendent of said Institution, or to his assigns or successors in office dollars cents, per week, for board; (not less than four weeks board to be paid for, notwithstanding may not remain so long in the Asylum;) to make compensation for all damages done by to the glass, bedding, or furniture, and to cause to be removed when discharged; and in the event of death whilst there, to pay the expenses of burial.

Witness our hands and seal, this day of A.D. 18  
(L.S.)  
(L.S.)

If persons becoming sureties shall so prefer, the visiting managers may except in lieu of compensation for damages done by patients to the glass, bedding, or furniture, a small additional charge to the board agreed upon.

In case persons at a distance are desirous of having any information respecting the admission of a patient, their letters may be addressed to any of the managers, or to the Superintendent.

#### OF VISITERS TO THE ASYLUM.

When near relations or particular friends of patients desire to be admitted to see their connexions, application must be made to the Superintendent; or, in his absence, to the attending physician, who may allow such visits when circumstances will admit.

As the general admission of visitors would be improper and injurious to the patient; no persons, except as above, shall be admitted to the apartments occupied by patients, unless introduced by a manager; but, on application to the Superintendent, they may be shown such parts of the building and appendages as are not so occupied.

#### ANNUITIES.

A mode of obtaining contributions by annuities, not much known among us, but familiar to Friends in England, has been agreed on by the Contributors. On paying any sum of money to the Treasurer, for the use of the Institution, interest of six per cent. thereon, is annually to be paid to the annuitant; at whose decease, the interest money ceases, and the principal remains the property of the Asylum. This mode will probably be convenient to many who are desirous of promoting the designs of the Institution, and yet do not prefer making any considerable donation during their life time.

From the daily papers.

#### THE GENERAL ELECTION.

##### CITY OF PHILADELPHIA.

[Official Returns.]

#### ASSEMBLY.

##### National Republicans and Independent Democrats.

Abraham Miller, 4602	Joseph H. Newbold, 4333
Joseph T. Mather, 4555	Thomas S. Smith, 4278
Wm. H. Keating, 4539	Col. S. B. Davis, 4272
John Wiegand, 4508	Charles J. Ingersoll, 4263
Davis B. Stacey, 4505	Wm. J. Leiper, 4252
Chau'y P. Holcomb, 4482	William Stewart, 4249
Wm. White, Jr. 4463	Henry Simpson, 4213

The average Majority of the Assembly ticket is 256.

#### SELECT COUNCIL.

Joshua Lippincott, [on both tickets,] 8699.

Richard Price, 4538	Wm. E. Lehman, 4343
Wm. M. Meredith, 4501	John Moss, 4324
Washington Jackson, 4483	Henry G. Freeman, 4258

The average Majority of the Select Council ticket is 199.

#### COMMON COUNCIL.

Thomas Lancaster, 4530	Isaac Wainwright, 4369
Henry Troth, 4528	Evan Rogers, 4367
William Montelius, 4526	Lewis Ryan, 4359
James Hutchinson, 4511	George W. Tryon, 4349
John S. Warner, 4509	James Andrews, 4332
Charles H. White, 4507	James Fearon, 4331
Robert Toland, 4500	William Geisse, 4322
Peter Wright, 4496	Lewis Taylor, 4320
John Gilder, 4490	John Bell, 4318
Thomas Firth, 4481	Silas W. Sexton, 4315
Dr. R. M. Huston, 4479	John Troubat, 4312
Dr. George S. Schott, 4470	John Horn, 4310
John Darragh, 4465	William Camm, 4301
Robert M' Mullin, 4463	John M. Hood, 4300
Benjamin H. Yarnall, 4454	Michael Baker, 4290
Joseph B. Smith, 4452	John Crean, Jr. 4285
John Byerly, 4450	S. J. Henderson, 4285
Enoch Roberts, 4450	Joseph Winters, 4269
William Kirk, 4446	Peter Fritz, 4250
Joseph R. Chandler, 4438	John T. Sullivan, 4234

The average Majority of the Common Council ticket is 126.

#### CITY AND COUNTY OF PHILADELPHIA.

##### COUNTY COMMISSIONER.

	City.	County.	Total.
William Ruff,	4256	6828	10084
Jacob Gardner,	4471	4893	9369

##### AUDITOR.

	City.	County.	Total.
Joseph Moore,	4187	6538	10725
Wm. J. Bedlock,	4500	4681	9181

#### COUNTY OF PHILADELPHIA.

##### SENATE.

George N. Baker, 6717	James Hanna, 4892
Joshua Johnson, 135	

##### ASSEMBLY.

Benjamin Matthias, 4946	Francis J. Harper, 6682
John Thompson, p. 4943	Thomas J. Heston, 6674
J. H. Gibbon, 4855	Lemuel Paynter, 6668
Wm. Fitler, 4842	W. H. Stokes, 6637
John Wister, jr. 4836	John Rheiner, Jr. 6628
T. M. Hubbell, 4836	Peter Rambo, 6596
Joseph Trasel, 4819	Thomas Guirey, 6576
Joseph Plankinton, 4706	James Goodman, 6532
Isaac Bedford, 204	Edward Vansant, 203
Levis Passmore, 57	Thomas Earle, 151
Jonathan Thomas, 57	Cornelius Dungan, 148
Samuel M. Lynn, 54	John Rambo, 147
John Redinger, 51	William Lancaster, 144
	Charles Springer, 143
	James Gregory, 142

#### FIRST CONGRESSIONAL DISTRICT.

##### CONGRESS.

	Sutherland.	Sergeant.	Martin.	Total.
Southwark, 1203	908	49	2160	
Moyamensing, 520	182	6	708	
Passyunk, 111	74		185	
Blockley, 152	175		327	
Kingsessing, 84	52	2	138	
Penn Township, 156	74		230	
Germantown, 395	354		749	
Roxborough, 137	204	1	342	
Bristol, 77	116		193	
	2835	2139	58	5032

Majority for Dr. Sutherland, 696.



## NORTHERN LIBERTIES.

## COMMISSIONERS.

P. A. Keyser	1505	Thomas Goldsmith,	1930
C. W. Bacon,	1435	William Hall,	1768
Michael Address,	1463	Edward Wartman,	1807
Enoch Middleton,	1482	Charles Pray,	1793
Daniel Clark,	1451	George Ireland,	1892
Daniel Jeffries,	1454	F. Stelwaggon,	1839
Joseph Loughhead,	1435	George Thorn,	1840
Thomas Weaver,	1522	G. Townsend,	1801
Henry Bellerjeau,	1431	John Maguire,	1807

The information respecting the County Election was derived from the American Sentinel.

## SPRING GARDEN.

## COMMISSIONERS—Official.

	1st Ward.	2d Ward.	3d Ward.	4th Ward.	Total.
<i>Democrats.</i>					
Daniel Smith	625	379	213	375	1592
Joseph O. Pollard	324	236	129	190	879
Wm. B. Hunt	324	237	129	190	880
John Tierny	311	233	129	184	857
Joseph Johns	321	236	129	195	881
<i>Independent Dem.</i>					
William Warner	313	129	84	192	718
Wm. Ritter	365	124	83	186	698
John W. Wynkoop	303	124	84	185	696
Joseph West	303	120	84	184	691

CANAL TOLLS.—The tolls received at the collector's office in this place during the present year were as follows:—

1st quarter	\$ 952 00
2d do	5229 89
3d do	4000 00

\$10191 89

During the same period last year the whole amount of tolls received was \$3,687 97 making a difference in favor of the present year of \$6,503 92.—*Blairsville Rec.*

CANAL TRANSPORTATION.—A lot of goods was received at this place, last week, by the "Boatman's Line," in only *eight days* from Philadelphia. This is the quickest passage that has been made even by canal boats. Formerly goods could not be delivered here from the city, by wagons, in less than *eighteen or twenty* days. Here then is one of the advantages of our improvement system; but there is another; goods are not only brought quicker, but *cheaper*. The cost of carriage by wagons from \$2 50 to \$3 25 per hundred; now by the canal boats it is only \$1 25 per hundred. This is an advantage which will be felt, more or less, by every individual in the community; for as the first cost of store goods becomes reduced, competition will naturally cheapen their price to the consumer. Other advantages could be enumerated, but these are sufficient to show how blindly the opposers of the canal system are acting. They are labouring to injure their own interest as well as that of the public generally.—*Id.*

USEFUL INVENTION.—During the past week, we visited in company with several gentlemen of Harrisburg, the coach factory of Mr. Ebenezer Miltimore, for the purpose of seeing an operation of a new apparatus invented by him for locking the wheels of a coach, without stopping the stage or leaving the driver's seat. It was pronounced by all present a highly valuable improvement, and such a one as has long been wanted. It

is so constructed, that the driver, by the mere pulling of a small lever, can lock the wheels of the carriage, on descending a hill, or if the horses attempt to run away. To the end of this lever can be fastened a string reaching the inside of the stage, which can be pulled by inside passengers, and the wheels will be locked instantly, in case the driver should be thrown from his seat. The apparatus is simple in construction, costing less than \$15, and is not liable to get out of order.

The largest stage load can be managed by two horses in descending the steepest hill with ease; the resistance of the lock being in exact proportion to the pressure of the load. We feel confident, that the enterprising inventor, has not only conferred upon the public, a benefit, but that the right will be valuable. Messrs. Colder and Wilson are procuring these locks to be put on all their stages, and it cannot be long before they will be on all the thousands of stages, that run in every section of this extensive country. Security is of great importance in travelling in stages. He, therefore, that invents any thing, to facilitate intercourse among men, and afford security to that intercourse, is a public benefactor.—*Pennsylvania Intelligencer.*

STEAM ON THE CANAL.—We understand the Chesapeake and Delaware Canal Company, have made sundry experiments with steam on their canal, which have proved highly satisfactory. The Boat made use of is 88½ feet long on deck, 10 feet beam, and draws twelve inches of water besides a very small keel. Her paddle wheels are on the sides of the boat, they are 4 feet on the fan, and 8 feet 2 inches in diameter, the paddles are 8 inches deep. The boiler is 6 feet long by 3 feet in diameter, it is round and filled with tubes, the cylinder is 8½ inches in diameter, with a stroke of piston of 2½ feet. When running at a speed of 8 miles an hour she consumes 314 pounds of pine wood in one hour, and at this speed the wash on the canal banks is only about one-third of that made by the passenger barges when running at the same speed.

From several experiments made with this boat, we learn that she answers remarkably well for towing vessels loaded with merchandize or produce and it is probable that after this season, steam power will entirely supercede the use of horses on this canal.—*U. S. Gaz.*

## THE REGISTER.

PHILADELPHIA, OCT. 12, 1833.

In the present number will be found an interesting discourse delivered by Mr. Duponceau in 1821, before the American Philosophical Society on the early settlement of this state. Since its delivery, a history of the state has been published by Thomas F. Gordon, Esq. and also a Gazetteer of the state by the same author, and several of the documents referred to, will be found in our preceding volumes.

On Tuesday last the general election took place in this city. The result as far as ascertained will be found in this number taken from the daily papers, which we presume is sufficiently accurate for general purposes. The polls were opened at 8 o'clock, which is earlier than usual. There was a considerable excitement, and the windows were very early crowded. With the exception of some disturbances, at the window for North Mulberry Ward at which the interference of the police became several times necessary, the election was conducted in a peaceable manner.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 16. PHILADELPHIA, OCTOBER 19, 1833. NO. 303

From the National Gazette.

## THE OLDEN TIME.

A charge delivered by Alexander Addison, Esq., President of the Court, to the Grand Jury of the county of Allegheny, at Pittsburg, September 1st, 1794.

The alarming and awful situation of this country, at this time, is too well known to require a statement. On the part of government, we are now offered a forgiveness of all that is past, on condition that we sincerely submit to the excise law, and all other laws. The question now is, whether we will accept of the terms proposed or not.

The decision of this question is of such importance, that I am sure it will receive a solemn consideration from every citizen of a sober mind. If we accept of the terms, we shall have *peace*. If we reject them, we shall have *war*. There is no *medium* between these extremes. For in the present state of this country, it is impossible to expect from government a repeal of the excise law. Government is the *whole* people acting by their representatives. The will of these representatives must not be extorted by force or fear; otherwise those, who thus constrain them, exercise a tyranny over the rest of the *people*. We are little more than a seventieth part of the United States. We ought not therefore to pretend to dictate laws to the *whole*. But whatever portion we may be, if one law is repealed, at the call of armed men, government is destroyed; no law will have any force; every law will be disobeyed, in some part of the Union. Government is therefore now compelled to enforce submission to *this* law, or to *none*. The whole force of the United States must be exerted to support its authority now, or the government of the United States must cease to exist. *Submission* or *war*, therefore, is the alternative.

War is so dreadful a calamity, that nothing can justify its admission, but an evil against which no other remedy remains. That the colonies, to relieve themselves from the tyranny of Britain, should have roused to war, no man will wonder. They had to acquire the first principle of liberty, an equal voice in framing their laws. The same was the case of France. Its constitution was overthrown, and one man had, by inheritance, acquired a power which he could transmit to his successor, of making laws for the whole nation. But our constitution has already secured the most democratic principles of representation. Our complaint is only against the ordinary exercise of legislation. We have now more than a just proportion of representatives. To fill our just proportion we may choose whom we please. And we ought not yet to despair, that, in a legal manner, we shall receive redress for every just complaint. The principles of liberty are completely established in our constitution. Those principles are, that the will of a *majority* should control the *few*. We wish now for a liberty destructive of those principles, which we formerly sought, and the French now fight to establish. Our complaint is, that the *many*, have not yet repealed a law at the request of the *few*, and therefore we rashly propose *war*.

If we determine on *war*, look forward to the consequences. Either we shall *defeat* the United States; or the United States will *subdue* us. If the United States

subdue us, we shall, at the end of the war, be certainly not in a better situation, than we are at present, for the same necessity, the preservation of the authority of government, will exist for enforcing the law *then*, which exists for enforcing it *now*. We shall be in a worse condition; for government will then be under no obligation to grant us the favorable terms, which are now offered; but may exact punishment for past offences, penalties for past delinquencies, compensation for past damages, and re-imbursement of the expenses of the war. To these I might add the miseries attending the war. But as these will attend the war in either event, I shall particularly allude to them, in the supposition of our defeating the United States.

To me this event appears improbable to the last degree. A train of unfortunate delusions (for such I deem them) seems to occupy the minds of many in this country. It is said, that no militia will come out against us, that if they do, we are so much superior in arms that we shall easily defeat them; that we can intercept them in the mountains, and prevent their passage; that if they should come, they will march peaceably along, and not disturb the citizen engaged in the lawful occupations of life; and that at the worst, we can throw ourselves under the protection of the British.

On such notions, these are my remarks. From all that I have heard or seen, there is a resentment in the people of the other side of the mountains against our conduct, on two grounds, as being contradictory to the principles of democracy, which requires obedience to a constitutional law; and as refusing to bear any part of a burden, to which they have submitted. This resentment will not only carry vast numbers of them to comply with the regular call of the militia, but to step forward as volunteers. Supposing (which may yet be doubted) that they may at first be inferior to us, in the art of fighting; the interests of the United States are so deeply involved in our submission, no expense will be spared to accomplish it. And should the draft of the militia be insufficient, certainly the legislature will enable the Executive to raise and maintain a standing body of forces, to accomplish the object of government. They will come, at different times, in different directions, and accumulated numbers, for the whole force of the United States will be directed against us; so that the President, who never speaks till he has determined, *declared by his proclamation*. If this country reject the conditions offered, the whole country will be considered as in a state of rebellion; every man must be considered either as a citizen or an enemy. If he say, he is a citizen, he may be called upon by the force under the authority of government, to unite in subduing its enemies. If he refuse, he becomes an enemy, and as such may be treated. The army of government may live among us at free quarters, and reduce us to obedience by plunder, fire and sword.

Will the British receive us? The government of Canada dare not, without authority from London. And it is not to be supposed, that Britain will risk the loss of the *friendship and trade of the United States for so poor an object as our becoming her subjects*. If she did, might we not expect, that the United States would seize her dominions on the eastern part of Canada and Nova Scotia, and intercept our communication with her. Against the



whole force of the United States, exerted, as we have reason to fear, what have we to rest on? Where are our arms? Where are our magazines of military stores? Or where can we obtain a supply of these articles, but from the United States, with whom we shall be at war? All communication between us and our fellow citizens on the east side of the mountains will be cut off. Even the supplies of the common articles of life, which we receive from them, will be prevented: and not a single article of food or clothing, much less of arms or ammunition, will be furnished to us from that quarter. Army after army will be sent against us. In a state of open war, we shall be considered as any other enemy, with the additional rancour attached to a civil war. Our agriculture will be destroyed, our fields laid waste, our houses burnt, and, while we are fighting our fellow citizens on one side, the Indians (and God knows how soon) will attack us on the other. The consciences of many among ourselves will shrink back with horror, at the idea of drawing a sword against our brethren. They will call for neutrality. They will enter into associations for mutual defence. Many, who now from fear of danger or insult, put on the appearance of zeal and violence, will, when it comes to decisive exertion, draw back. But those who are for war will strive, by force, to draw in those who are for peace. We shall attack and destroy each other, and fall by our own hands. Our cornfields will be converted into fields of battle. No man will sow, for no man shall be sure that he shall reap. Poverty, distress, and famine will extinguish us. All mutual confidence will be at an end, and all the bands of society will be dissolved. Every man will be afraid to speak to his neighbor. There will be no power of government to control the violence of the wicked. No man's life, no man's house, no man's goods, no man's wife, no man's daughter will be safe. A scene of general destruction will take place. And, should government, weary of chastising us, at last leave us to our selves; we shall be a miserable remnant, without wealth, commerce, or virtue; a prey to the savages, or slaves to Britain.

Are we prepared for a separation from the United States, and to exist as an independent people? This is a question which ought to be settled, previously to our taking up arms against government. *For to disobey a government, while, by remaining in it, we admit its authority to command, is too absurd, and too contrary to the duty of citizens, for any man of reason and virtue to support: especially where that government, like ours, is created and changeable by the people themselves, that is, by the whole people, or a majority of the whole people. Our appeal to arms is therefore a declaration of independence, and must issue, either in separation or obedience.*

Government cannot recede farther than it has done. It has already made sacrifices, which entitle it to grateful returns. It offers to forgive past offences, and considers us as having never erred. It cannot, without a total extinction of all authority, repeal this law, while we disobey it; Government must either subdue us or cast us off. For, however we may flatter ourselves with the destructive hope of defeating government, we have no prospect of subduing it; and compelling the United States to retain us in the Union. Suppose us then a separate people, what prospect have we of being able to secure those objects, which are essential to the prosperity of this country, and of far more consequence than the repeal of the excise law?

Do you, gentlemen, who by your station, can do it so effectually unite with me in expressing, propagating, and supporting these sentiments; and through you, both now and hereafter, let them be felt to be the voice of your country.

They are mine—and were an angel from Heaven to charge me, to make to you, as I should answer it at the tribunal of God, a faithful declaration of my opinion of the interests of this country, at this important period, I

would, were it the last moment of my life, address you as I have now done. And O! may the God of wisdom and peace inspire this people with discernment and virtue, remove from their minds blindness and passion, and save this country from becoming a field of blood.

## REPORT OF THE BOARD OF INSPECTORS OF THE WESTERN STATE PENITENTIARY.

*Read in Senate January 26, 1833.*

The inspectors of the Western Penitentiary, have the honor to make the following statement, for the information of the Legislature.

There remain at present 88 convicts within the prison consisting of

White males,	74
White females,	1
Colored males,	12
Colored females,	1
	88

There have been discharged during the year ended, on the expiration of sentence,

By pardon,	10
Died,	2
	24

Forty-eight new convicts have been received during the same period.

The expenditure for the maintenance of the whole number, has amounted to the gross sum of \$4,761 84, being an average of something less than sixty dollars each.

The following officers have been employed by the inspectors:

A warden, whose salary is \$800 per annum.	
Two overseers, each	500
One physician,	300
One clerk,	200
One watchman,	365

Whose salaries have been defrayed by the commonwealth.

The board of inspectors, in all their annual communications, have endeavored to impress upon the Legislature the absolute necessity of a radical alteration in the construction of the cells of this prison, so as to enable the board to conform the discipline of the institution to the provisions of the law; the existing arrangement of the cells, completely excluding the board of inspectors and officers of the prison from the possibility of promoting the moral improvement of the miserable beings under their charge, or even so employing them as to remove or even diminish the expenses attendant on their maintenance. Under these untoward circumstances, a sense of public duty alone has induced many of the board to continue in office; and the hope that the constituted authorities of the commonwealth would at length perceive the disadvantages and imperfections of the prison, and apply such remedies as might enable the inspectors to discharge the trust reposed in them, satisfactorily to themselves and usefully to the public, has heretofore reconciled them, in some degree, to their unpleasant situation.

The board has reason to believe that that period has now arrived. The Executive of the state, in his annual message to the Legislature, has distinctly portrayed the condition, and recommended this prison as a proper subject of legislative interference. A prompt response has been made by each House, and committees appointed to visit and examine the Western Penitentiary, with the view of ascertaining the remedies proper to be applied. Those committees have discharged their duty in relation to the Western Penitentiary, and communicated fully with the inspectors and officers of the prison on the subject. All the information, therefore, necessary for a due consideration of the matter, will no doubt be laid before the Legislature, at an early day. The board



will therefore abstain from further remark, under the conviction that this information will be so full and satisfactory, as to induce immediate action and the necessary measures taken by the Legislature, to render this establishment all that the laws enacted for the punishment and reformation of convicts, demand that it should be.

For the effectual remedy of those difficulties, it may however be looked to, from the inspectors, to give some information and estimates.

They would, therefore, respectfully suggest, that an appropriation be made by the Legislature, for the *entire re-construction of the cells of this prison on a plan similar to those of the Eastern Penitentiary*. To perfect this plan, an expensive *sewer* will have to be constructed to the Allegheny river, a more abundant supply of water obtained, and a thorough change in the mode of heating the whole. With these improvements, the board does not hesitate to believe the prisoners would become *no longer* a charge on their respective counties, and their moral welfare importantly promoted.

The cells of the Eastern Penitentiary have cost a sum of six hundred dollars each.

With the materials of stone and brick which compose the present cells, (196 in number) it is supposed there will be an ample supply for rebuilding the whole. The iron doors, hinges, fastenings, jambs, lintels, &c. &c. can all be made to answer for the new ones, and the whole of the labor (excepting the mechanical part, and *some of that*) can be supplied from the convicts. The board, therefore, is of opinion, that the construction of the cells *anew*, such as is now recommended, can be completed for the sum of \$300 each, if not less, making then, for 196, a total expenditure of about \$60,000 to accomplish the whole. The funds already at the disposal of the inspectors, say \$6000, will be adequate to connect the water closets of the cells with, and the construction of the sewer to the river. A sum not exceeding \$25,000 will be a sufficient annual appropriation until the whole is completed; more than that could not be judiciously expended during the working season. The above estimate of \$300 for each cell is intended to include the payment of such architects and supervision as the board might have occasion to employ.

The board would again respectfully draw the attention of the Legislature, to the propriety of making a small provision for the services of a religious instruction: a permanent supply for this important branch of prison discipline, could not fail to be attended with the most happy effects.

The annual report of the warden, marked A., a tabular statement from the same officer, marked B., and the report of the physician, marked C., are herewith transmitted, for the consideration of the Legislature.

All of which is respectfully submitted.

By order of the board of inspectors, Western Penitentiary,

WM. ROBINSON, Jr. Secretary.

A.

To the Board of Inspectors of the Western Penitentiary of Pennsylvania.

GENTLEMEN.

In my former reports I have urged the necessity of an alteration in the interior of our penitentiary; another year's experience has more fully confirmed me in the opinion, that such alterations should be made as will adapt this institution to a system of regular labour, and as will effectually prevent all communication between convicts, thereby adapting it to the requisitions of our laws relating to penitentiary punishments. I am confident, that if this prison was altered to the plan of the Eastern penitentiary, and the necessary stock and implements were provided, the prisoners would be enabled to defray all the expenses of their maintenance; and by preventing communication between convicts, they would be preserved from the corrupting and con-

taminating influence of the demoralising conversation and evil example of convicts of different grades of turpitude, the hope and probability of the reformation of some of those in whose bosoms there are yet some remains of virtue, would be greatly increased, and the incorrigible and desperate villain, by being separated from his associates in crime, and deprived of the satisfaction of conversing with those of congenial minds, would feel his punishment more severely; and if not altogether deterred from again committing crime, would not be likely to commit his depredations within the district in which, if detected, he would be certain of being again doomed to a similar punishment. To the wicked and determined villain this prison appears to possess little or no terror; after the discharge of such, they frequently remain in the vicinity of the prison, spending their time in idleness, without any visible means of support, and frequently call at the prison to inquire concerning those with whom they had become acquainted while in confinement. So little do they regard the confinement in this prison, that of the forty-eight prisoners received into this penitentiary during the year 1832, five were recommitments of persons who had served tours in this prison, and had been but a short time discharged.

The present is undoubtedly the most suitable time for making the alterations, as the present number of convicts can be secured in one part of the prison, whilst the alterations are being made in another. Should the number of prisoners increase in the proportion they have done during the last year, the time will soon arrive when it will be difficult, if not altogether impracticable, to make those alterations, as there would not be sufficient room in the prison to secure the convicts and make the improvements at the same time. In support of my opinion, that the prisoners at labour, under proper regulations, would defray the expenses of their maintenance, I will direct the attention of the board of inspectors to the amount earned by the shoemakers in this prison during the last year, (and it will be admitted that with them there has been much waste of time, and unavoidably some waste of materials, which has lessened the amount of their earning;) there has been an average of about four shoemakers at work, who have earned \$315, or \$79 each; the expenses of their maintenance, on an average, is a little less than \$60 each, which for four prisoners would be \$240, which taken from \$315, leaves \$75 of a surplus, after defraying all expenses of their maintenance.

The whole expense of maintenance of convicts in this prison during the year 1832, is \$4761 84, and there has been earned by shoemaking \$315, by picking oakum \$485 47, and by various other labour \$133 87, amounting in all to \$934 34, leaving a balance to be paid by the counties, of \$3827 50. By the tabular statement herewith presented, it will be seen that forty-eight prisoners have been received into the penitentiary during the year 1832, twelve have been discharged by expiration of their sentences, ten by pardon, and two have died, sixty-four being the number in prison on the first of January, 1832, leaves eighty-eight in prison on the first of January, 1833.

I will conclude with the sentiments of that excellent officer, Samuel R. Wood, Esq. warden of the Eastern penitentiary, adopting them as my own. I am "fully convinced that separate confinement, with labour and moral religious instruction, is the most perfect and most beneficial system for the management of convicts," which has ever been devised or put into practice, "embracing in its details all the advantages, and avoiding most of the evils, which are inherent in every other plan which has occupied" the attention of the philanthropist.

All which is respectfully submitted.

JOHN PATTERSON,

Warden of the Western Penitentiary of Pennsylvania.  
January 11th, 1833.



TABULAR STATEMENT, B.

No.	Sex	Place of Nativity.	When sentenced.	Time.	Offence.	At what Court sentenced.	Times convicted.	When and how discharged.
126	Male.	Carlisle, Pa.	August 8, 1827	21 years.	Rape	O. T. Allegheny county	First	Feb. 22, 1832, pardoned
226		Clark county, Ohio	July 9, 1828	5 do	Horse stealing	Q. S. Butler county	Second	do do
363		New Jersey	July 28, do	4 do	Passing counterfeit coin	Mayor's Court, Pittsburgh	First	do do
430		New York	August 4, 1829	3 do	Larceny	Q. S. Allegheny county	Second	Aug. 4, 1832, time out
522		Uniontown, Fayette co.	August 6, do	3 do	Larceny	Q. S. Allegheny county	First	Aug. 6, 1832, pardoned
643		County of Mohanon, Ireland	October 31, do	3 do	Larceny	Mayor's Court, Pittsburgh	Second	Feb. 22, 1832, pardoned
752		Delaware	August 28, do	4 do	Subornation of perjury	Q. S. Beaver county	First	do do
826		County Down, Ireland	December 8, do	3 do	Larceny	Mayor's Court, Pittsburgh	do	do do
930		Washington city	January 27, 1830	4 do	Larceny	Q. S. Centre county	do	do
1035		Centre county, Pa.	January 27, do	4 do	Larceny	Q. S. Centre county	do	do
1147		Washington county, Pa.	March 29, do	3 do	Larceny	Q. S. Washington county	do	Dec. 15, 1832, pardoned
1221		Washington county, Pa.	do 25, do	3 do	Larceny	Q. S. Washington county	do	do
1354		Lancaster county, Pa.	April 23, do	12 do	Murder	O. T. Allegheny	do	do
1439		Baltimore	do 24, do	5 do	Murder	O. T. Mifflin county	do	do
1537		County Derry, Ireland	May 29, do	7 do	Murder	O. T. Mifflin county	do	do
1624		Lancaster county, Pa.	January 21, do	5 do	Assault and battery, intent to ravish	O. T. Westmoreland county	do	do
1726		Dublin, Ireland	July 8, do	2 do	Larceny	Q. S. Mifflin county	Second	July 8, 1832, time out
1825		Baltimore county, Md.	October 6, do	2 do	Larceny	Q. S. Cambria county	First	Oct. 6, 1832, time out
1954		Lancaster county	do 23, do	21 do	Robbing U. S. mail	Dis. Court U. S., W. district	do	do
2024		County Longford, Ireland	Nov. 18, do	5 do	Rape	O. T. Mifflin county	do	do
2136		County Caven, Ireland	do 18, do	5 do	Rape	O. T. Mifflin county	do	do
2233		Little York, Pa.	do 16, do	3 do	Larceny	Q. S. Mifflin county	do	do
2334		Mount Vernon, Va.	do 27, do	3 do	Assault & bat'y, intent to commit a rape, &c.	Q. S. Mifflin county	do	do
2426		Fayette county, Pa.	January 6, 1831	1 do	Larceny	Q. S. Venango county	do	April 7, 1832, pardoned
2537		Connecticut	February 8, do	3 do	Burglary	Q. S. Fayette county	do	Jan. 6, 1832, time out
2625		Crawford county, Pa.	do 8, do	1 do	Burglary	O. T. Erie county	do	do
2722		Sussex county, N. J.	do 18, do	2 do	Burglary	Q. S. Erie county	do	Feb. 8, 1832, time out
2840		Bordeaux, France	do 16, do	1 do	Larceny	Mayor's Court, Pittsburgh	do	do
2947		Somerset county, Pa.	March 11, do	2 do	Larceny	Mayor's Court, Pittsburgh	do	Feb. 16, 1832, time out
3019		Cressapstown, Md.	do 11, do	3 do	Burglary	O. S. Fayette county	do	March 6, 1832, pardoned
3119		Fayette county Pa.	do 9, do	5 do	Burglary	O. T. Fayette county	do	do
3227		Westmoreland county, Pa.	do 26, do	18 months.	Burglary	Q. S. Armstrong county	do	Sept. 26, 1832, time out
3318	Female.	Detroit	do 30, do	1 year.	Larceny	Q. S. Washington county	do	March 30, 1832, time out
3427	Male.	Butler county, Pa.	April 7, do	2 years.	Larceny	Q. S. Butler county	do	do
3523		Allegheny county	do 24, do	4 do	Robbery	Q. T. Allegheny county	do	Nov. 25, 1832, died
3638		Massachusetts	do 21, do	1 do	Forgery	Q. S. Mercer county	do	April 21, 1832, time out
3751		Massachusetts	May 5, do	3 do	Counterfeiting coin	Dist. Court U. S., W. District	do	Jan. 4, 1832, pardoned
3845		Portsmouth, England	May 11, do	2 do	Larceny	Mayor's Court, Pittsburgh	do	do
3937		Berkely county, Va.	August 16, 1828	5 do	Counterfeiting coin	O. T. Huntingdon county	do	do
4025		Allegheny county, Pa.	May 28, do	4 do	Arson	O. T. Westmoreland county	Second	do







TABULAR STATEMENT, B.

No.	Age	Sex	Place of Nativity.	When sentenced.	Time.	Offence.	At what Court sentenced.	Times convicted.	When and how discharged.
8522	22	Male	Erie county, N. Y.	August 14, 1832	2 years	Larceny	Q. S. Crawford county	First	Oct. 13, 1832, pardoned.
8628	28		Union county, Pa.	do 15, do	do	Passing count'ft notes	Q. S. Huntingdon county	do	
8719	19		Germany	do 24, do	6 months	Larceny	Q. S. Westmoreland county	do	
8827	27		Franklin county, Pa.	do 28, do	1 year	Horse stealing	Q. S. Bedford county	do	
8927	27		York county, Pa.	do 28, do	13 months	Larceny	Q. S. Bedford county	Third	
9039	39		Washington county, Pa.	September 8, do	1 year	Larceny	Q. S. Beaver county	First	
9132	32		Albany, N. Y.	do 8, do	2 do	Larceny	Q. S. Beaver county	do	
9239	39		New Jersey	do 8, do	2 do	Arson	Q. S. Venango county	do	
9342	42		Bedford county, Pa.	do 1, do	2 do	Larceny	Q. S. Indiana county	do	
9426	26		Indiana county, Pa.	do 26, do	2 do	Larceny	Q. S. Indiana county	do	
9524	24		Indiana county, Pa.	do 26, do	2 do	Larceny	Q. S. Indiana county	do	
9622	22		Washington county, Pa.	October 3, do	1 do	Larceny	Mayor's Court, Pittsburg	do	
9722	22		Chester county, Pa.	do 5, do	1 do	Larceny	Mayor's Court, Pittsburg	do	
9813	13		Washington county, Pa.	do 4, do	1 do	Larceny	Q. S. Washington county	do	
9936	36		England	do 10, do	2 do	Larceny	Mayor's Court, Pittsburg	do	
10025	25		New York	do 11, do	4 do	Larceny	Mayor's Court, Pittsburg	do	
10121	21		Kentucky	do 11, do	5 do	Larceny	Mayor's Court, Pittsburg	do	
10219	19		Green county, Ohio	do 23, do	1 do	Larceny	Q. S. Allegheny county	do	
10348	48		Baltimore	do 23, do	4 months	Larceny	Q. S. Allegheny county	do	
10443	43		Luzerne county, Pa.	November 16, do	4 years	Conspiracy	Q. S. Huntingdon county	do	
10535	35		Northumberland co. Pa.	do 16, do	4 do	Conspiracy	Q. S. Huntingdon county	do	
10645	45		County Down, Ireland	December 5, do	1 do	Larceny	Mayor's Court, Pittsburg	do	
10728	28		City of New York	do 5, do	1 do	Larceny	Mayor's Court, Pittsburg	do	
10836	36		Northumberland co. Pa.	November 30, do	18 months	Larceny	Q. S. Centre county	do	
10920	20		Germany	December 27, do	6 do	Larceny	Q. S. Allegheny county	do	
11046	46		On the Atlantic Ocean	do 27, do	7 do	Larceny	Q. S. Allegheny county	do	
11139	39		Cecil county, Maryland	November 15, do	18 do	Assault, &c. intent to kill	Q. S. Huntingdon county	do	
11250	50		County Caven, Ireland	July 24, 1827	5 do	Horse stealing	Mayor's Court, Pittsburg	do	
				Escap'd Nov. 21, 1828				do	
				Recomm'd Dec. 16, '32				do	

Remaining in prison on the first of January, 1832, 64 prisoners—Received into the penitentiary during the year 1832, 48—Total, 112. Discharged during the year 1832, by expiration of sentence, 12; by pardon, 10; died 2—24. Remaining in prison on the first day of January, 1833, 88 prisoners. White males remaining in prison January 1st, 1833, 74—Colored males, 12—Total number of males, 86. White females remaining in prison January 1st, 1833, 1—Colored female, 1—Total number of females, 2. Whole number of males, 86—Whole number of females, 2.—Total, 88.



C.  
WESTERN PENITENTIARY, OF PA. }  
January 1, A. D. 1833. }

*To the Inspectors:*

I have the honor to report, that during the past year, there have been in the Western Penitentiary of Pennsylvania 96 cases of sickness, and two deaths. It will be seen by the list annexed, that there has been a diminution from last year, of cases of rheumatism, probably from the greater dryness of the cells; and that the cases of diarrhoea were three times as numerous as in the preceding year. How far this increase of diarrhoea may be accounted for from the gradual increasing foulness, unavoidable in the present arrangements, and how far it may have been owing to the peculiar influence of the general atmosphere last summer, it is difficult to say. Neither can this prison, as now constructed, afford a fair trial of the effects of confinement on the health of convicts. The want of ventilation; the retention of foul night pans in the cells for twelve hours at a time; and the offensiveness of the privies, contribute no little to disorder the health. I beg leave to recommend that the cells be so constructed as to admit of ventilation, and of the excrement passing off by means of water closets to a sewer leading to the river; the sewer to be kept constantly clean, and for that purpose, that some means of furnishing a more abundant supply of water be provided. Should the cells be re-modelled and enlarged to the plan of those of the Eastern Penitentiary, there will be no need of an infirmary; the sick can then be attended in their cells, and the necessity of removing them to a larger room will no longer exist—an operation which ought always, if possible to be avoided, as equally inconvenient and hazardous, in the discipline of a prison. I beg leave, however, to recommend the erection of a bath house, in connexion with the undressing room, after the plan of the building for similar purposes, in the penitentiary at Philadelphia.

It is my opinion that a prison constructed, ventilated, and supplied with water, on the plan of the Eastern Penitentiary, would lessen the expenses to the several counties, not only in enabling the institution to obtain more labor from the convicts, but in lessening disease, and of course the annual expense for medicines.

Very respectfully,

W. H. DENNY, M. D.,

Physician of the W. P. of Pennsylvania.

LIST OF CASES OF SICKNESS, FOR 1832.

Diarrhoea	36
Chronic rheumatism	11
Obstinate costiveness	15
Dyspepsia	2
Syphilitic rheumatism	2
King's evil	3
Eruptions of the skin	3
Sore mouth	3
Inflamed eyes	1
Neuralgia	1
Consumption (fatal)	2
Ague & fever, originating east of the Allegheny mount's	4
Gravel	1
Bloody urine	1
Epilepsy	1
Rupture	1
Bronchitis	1
Pain in the breast	2
Inflammation of the lungs	1
Influenza	5

Sick on the 31st day of December, 1832, none.

From the Harrisburg Chronicle.

FIRING CANNON ON THE FOURTH OF JULY.

A suit was instituted in Erie county before a justice against certain persons for firing a cannon in the streets

of Erie, on this day. The justice fined the persons who had fired—they appealed, and the case as it came up in the common pleas is thus given in the Erie Observer. *Shippen*, president judge.

*Com. Pleas, Erie county, Aug. Term, 1833.*

*Benjamin Deffinbaugh et al. Plaintiffs in error vs. Samuel Agnew, who sues for himself, as well as for the Commonwealth.*

This was a *certiorari* to William Kelly, Esq. Justice of the Peace.

From the return of the proceedings had before the Justice, it appeared that Samuel Agnew brought suit to recover the penalty of firing a gun within a borough town, under an old act of Assembly, enacted in the year 1750. Benjamin Deffinbaugh and others, on the 4th of July, 1833, were members of a volunteer company, and on that day, in pursuance of the orders of their Captain (Howell) had fired a cannon within the borough of Erie sixteen times. To the information filed by Agnew, they severally plead guilty, whereupon judgment was given against them for five shillings for each and every time, and cost of suit. Ramsey, Barrett, and Galbraith, appeared as counsel for the defendants below. Walker and Riddle for the Commonwealth. The following errors were thereupon assigned by the counsel for the defendants below, to the judgment of the justice:

1st. The offence is entirely statutory, and is not in the words of the statute, in either the information, warrant, or conviction with sufficient precision. It is not stated that the alleged offence was committed "within" the borough of Erie—nor that Erie is a county town, or other town or borough within this (province) commonwealth.

2. There can be but one offence committed, and consequently but one penalty, and the conviction of the justice is for 16 offences committed at one time.

3. The conviction is too uncertain in not stating the entire amount, he adjudged the defendants to pay. It is left as a matter of future calculation and computation.

4. The conviction is also too uncertain to be carried into effect in being rendered in a foreign currency, and not reduced to any certain amount in currency of the United States.

5. The law under which the conviction took place is unconstitutional and obsolete.

6. The conviction is at all events void as it respects costs.

7. There was no cause of action.

8. The judgment was illegal.

*Ramsey* on behalf of the defendants below, was about proceeding to argue the points before the court, and to cite the law, when he was stopped by

*The Court.*—We do not wish to hear counsel on behalf of the defendants until the prosecutor shows that the act of 1750 is still in force. It is our impression that the act is in this instance obsolete, and on this point we will hear the prosecutor.

*Walker.*—The act of assembly has never been repealed, and convictions have been had under it. Counsel around me say they know of convictions within their recollections. The act is not unconstitutional, &c.

*The Court.*—The common custom practised in, universally, for fifty-seven years, of firing cannon on the 4th July, has become common law; and this is the first time that ever a court of justice has heard of a prosecution for firing cannon on that day. On a *certiorari*, where it is reversed, it is common law for the prosecutor to pay the costs. Judgment of Justice Kelly reversed.

We have been furnished with the following opinion of the Hon. Judge Shippen, in a case which has recently been before our readers. We refer to the prosecution of the gunners in an artillery company, for aiding in the celebration of our nation's anniversary by the firing of cannon.



Diffenbaugh and others,  
ADSM.  
The Commonwealth.

CERTIORARI.

There are eight exceptions in this case. Without considering the others, the conviction is to be reversed chiefly on two grounds.

1. The judgment is vague and uncertain, in not stating with precision the amount which defendants are adjudged to pay. Nor does the record state to whom the fine is payable, whether to the borough of Erie, or to Mill creek township; within which Erie is or lately was situated, and of which the borough of Erie lately formed part; nor does it state what sum or part, or to what person as informant, the fine or fines, whatever they be, are to be paid. The execution must follow the judgment, and it will not do to leave all these matters to the constable to search up and decide, among the several old laws on this subject. It would be to make the constable a judge on difficult points. Further. For these fifty-seven years, ever since the 4th of July, 1776, it has been so universal a practice throughout the whole land, to fire cannon and musketry, by the volunteer companies in celebration of that day, that we might say it has become the common law of the land, by common and universal consent, superceding the old statute and the statute of Geo. I. therein referred to. A much shorter time has fixed and established a common law among us different from the English law, by a change of the nature of our government, and under our constitution of 1790. I mention, for instance, the payment of fees to Prothontary not becoming due till the termination of suit. The failing party, in certiorari, generally having to pay the costs, although the law is different in writs of error; and this has received legislative sanction by act of 1810. This is probably the first attempt, since the establishment of our government, to restrain the celebration of the fourth of July, by a prosecution in the name of the commonwealth. If an individual injury had been done, there is always redress by a civil action for damages. But that is not now the question. It is whether the citizens may celebrate the anniversary of Independence as they have used to do for upwards of fifty years, without a petition to his Excellency, the Governor of the state, for leave to do so. It would be somewhat novel for the Governor of Pennsylvania to be granting letters of license, pursuant to the statute of 1752 for that purpose. If that statute is generally in force, his leave might, without any restrained presumption, be presumed universal in the state for that special occasion.

The law is plainly laid down in Hawkins, P. C. that the same strictness required in indictments extend to all summary convictions, and it is right it should be so, particularly when there is no appeal from the judgment of a single magistrate. This conviction is therefore set aside.

HENRY SHIPPEN.

To be filed by Mr. Walker, counsel for the Commonwealth.

From the Pittsburg Gazette.

IMPROVEMENT' OF THE MONONGAHELA RIVER.

The Hon. Andrew Stewart has furnished to the editors of the Pennsylvania Democrat, the report of the Engineers employed last summer in making a survey, plan, and estimate for the improvement of the river from this city to Brownsville. From this report we now extract the conclusion and the estimate. We will, perhaps, publish the whole report in our next paper.

In his note to the editors, Mr. Stewart says—"You will perceive that the President has declined deciding on the plan, until further surveys are made, which will be done this summer." He also expresses the hope that appropriations, for the commencement of the work, will be made at the next session of Congress.

"I now proceed to the estimate of this work, according to the plan above detailed. In this estimate, a provision is made for clearing the bed of the river from obstructions made by the present wing dams; and also of clearing the shores of standing and fallen timber, as well as for removing the few snags which now exist. No provision, however, is made for the damage done to the two river mills which will be destroyed, and two or three mills on the tributary creeks which will be somewhat injured by the improvement. The cheapness with which steam engines are made, and the profusion of fuel, have rendered the use of this species of power so economical, that the water mills on the river have been gradually losing their value, and, of the number which formerly existed, only two now remain. These reasons justify the conclusion that the claim for damages that can equitably be made, must be small. But, as this amount depends on the arbitrary value attached to their property, by individuals, it could not be introduced with propriety into this estimate.

No.	Situation.	Distance from last dam.	Distance from Pittsb'g.	Length.	Height of Lift of dam.	Locks.	Estimated Cost.
1.	McClurg's mill,						
2.	Bradcock's lower ripple	8	2	446	9	6	28,320
3.	Pine Run ripple	7	10	320	7	4½	16,763
4.	Fishpot ripple	2	16	250	9	4½	15,750
5.	Parkinson's upper dam	2	19	220	9½	4	14,630
6.	Frey's Shoals	7	27	210	9½	4½	14,965
7.	Baldwin's dam	11	38	220	9	4½	16,542
8.	Forsyth's old dam	4	43	250	9	4½	15,120
		8	52	182	9½	4½	14,103
						36½	136,193

Estimate of the Expense of rendering the Monongahela river, between Brownsville and Pittsburg, navigable for Steam Boats of 100 tons.

Estimate as above,	136,193
Lockage, 36½ ft. at \$1,600 per ft.	58,400
Excavation of channels, &c.	11,200
Walling for sluices,	7,376
Clearing of river and banks,	8,000
	221,169
Add 10 per cent. for contingencies,	22,117
Total,	\$243,286

I was assisted in making the survey on which this report was founded, by Mr. J. W. Smith, to whose skill



and industry I am indebted for its completion in time to prevent the rise of water, which took place early in November, from depriving us of the results.

I am, very respectfully, sir,

Your obedient servant,

WM. HOWARD,  
U. S. Civil Eng.

To Lieut. Col. ARBERT,

Topographical Bureau, Washington.

Washington City, Feb. 5, 1833.

From the Christian Advocate and Journal.

#### ANECDOTES OF DR. RUSH.

*On Preaching.*—The Doctor once informed me that when he was a young man, he had been invited on some occasion to dine in company with Robert Morris, Esq. a man celebrated for the part he took in the American Revolution. It so happened that the company had waited some time for Mr. Morris, who on his appearance, apologized for detaining them, by saying that he had been engaged in reading a sermon of a clergyman who had just gone to England to receive orders. "Well, Mr. Morris," said the Doctor, "how did you like the sermon? I have heard it highly extolled." "Why, Doctor," said he, "I did not like it at all. It's too smooth and tame for me." "Mr. Morris," replied the Doctor, "what sort of a sermon do you like?" "I like sir," replied Mr. M. "that kind of preaching which drives a man into one corner of his pew, and makes him think the devil is after him."

I heard him reprove his medical class once for restlessness, during one of his lectures, by saying: "Gentlemen, I fear I do not make you happy. The happy are always contented." This gentle rebuke pleased me so well that after the lecture, I thanked him for it, observing that when occasion should offer, I would try the effect of it on my congregation. "No," said the Doctor, "I hope you will not. It is no compliment to a minister of the Gospel to reprove his congregation for inattention. He should be able to keep their attention." Adding that "Dr. M's congregations were always attentive."

Dr. Rush was perhaps one of the most untiring students that ever lived. Two young physicians were conversing in his presence once, and one of them said, "When I finished my studies—" "When you finished your studies!" said the Doctor abruptly, "Why you must be a happy man to have finished so young. I do not expect to finish mine while I live."

The writer once asked him how he had been able to collect such an immense amount of information and facts as his publications and lectures contained.

"I have been enabled to do it," replied he, "by economising my time as Mr. Wesley did. I have not spent an hour in amusements for the last thirty years." And, taking a small note book from his pocket, and showing it to me, he said, "I fill such a book as this once in a week with observations and thoughts which occur to me, and acts collected in the rooms of my patients, and these are preserved and used."

I once heard the doctor relate the following dream to show that the memory sometimes exerts itself more powerfully in our sleeping than our waking hours in calling up things that have been forgotten. A gentleman in Jersey, of large property had provided in his will, that his wife in connexion with a neighbor, should settle his estate. After his death, in fulfilling the intentions of his will, a certain important paper was missing. Repeated and diligent search was made for it, but in vain. The widow at length dreamed that the said paper was in the bottom of a barrel in the garret, covered with a number of books. The dream made so strong an impression on her mind that she was induced to make an examination; and there to her astonishment she found the paper." The Doctor's explanation was, that no supernatural agency had been employed,

but that during the abstraction of all external objects and impressions from the senses in a sleeping state, the memory exerted itself with an intenseness that it could not do in its waking state. He supposed that her husband had informed her at some time of the situation of the paper, and that the fact had become dormant in the memory until the dream called it up.

From the Commercial Herald.  
IMPORT OF COTTON.  
Import of Cotton at this Port, from October 1, 1832, to September 30th, 1833, compared with the four preceding years.

FROM	1832-33.	1831-32.	1830-31.	1829-30.	1828-29.
New Orleans,	8112	2397	9130	4236	3169
Mobile,	205	429	1567	479	1030
Florida,	18	2	295	686	295
Georgia,	6615	3989	4643	2874	5632
South Carolina,	3633	1543	4517	2121	1336
North Carolina,	595	65	1599	1218	2731
Virginia,	3468	1004	3026	1601	537
Baltimore,	161			1711	
New York,	1585	469	817		
Pittsburg,	50	86	207		1065
Other Ports,			269		
Foreign,					
Total,	24742	10575	25315	14946	15805

The Export to Foreign ports from October 1, 1832, to September 30th, 1833, has been to

England,	4970 bales.
France,	117
	5087
Same period, 1831-32,	3977
Same period, 1830-31,	3243
Same period, 1829-30,	2362
Same period, 1828-29,	4001

The stock remaining on sale on the 1st October, 1833, was 791 bales against 459 bales in 1832; and 7181 bales in 1831. Last year the manufactures were well supplied, at this time their stock is very low.

From the Philadelphia Gazette.

#### PROCEEDINGS OF COUNCILS.

Friday, October 11, 1833.

The newly elected members of the Select and Common Councils, met in their respective chambers, at eleven o'clock this morning. The

#### SELECT COUNCIL

Organized by electing Joseph R. Ingersoll, Esq. President, who after taking the chair, delivered a neat and appropriate address, expressive of his thanks for the honor conferred, &c. After which the members took the oath of qualification.

Joseph G. Clarkson was elected Clerk, and Lydia R. Bailey, Printer.

The rules of intercourse adopted by the late Councils, were revived for the present Council, and Common Council concurred in the motion.

Communications were received from Richard Price, and William M. Meredith, tendering their resignations as trustees of the Girard College.

A joint committee was appointed to report on the



unfinished business of the old Councils, proper for the action of the present Councils.

Select Council concurred with the Common Council in the appointment of William Daugherty as Messenger.

The President appointed the following gentlemen members of the Watering Committee—Messrs. Wetherill, Lewis, Groves and Jackson, and Common Council, Messrs. McMullen, Byerly, Lancaster and Smith.

Messrs. Groves, McCready and Price, were appointed a Committee on City Improvements on the Schuylkill.

#### COMMON COUNCILS.

Was called to order by Dr. R. M. Huston, on whose motion Henry Troth, Esq. was appointed to take the chair. The certificates of membership being read over, and ordered to be recorded, the Mayor of the city, on motion of Mr. Chandler, was introduced, and the members duly qualified. Common Council then proceeded to the choice of a President, which resulted in the unanimous election of Henry Troth, who on being conducted to the chair, returned thanks for the distinction, and declared his determination to discharge the duties of his office with entire impartiality.

Robert Hare, jr. was duly elected Clerk; William Daugherty Messenger, and Lydia R. Bailey, Printer and Stationer.

Messrs. Troth, McMullen, Chandler, and Huston, were elected Commissioners of the Girard Trust, by the Common Council, and Messrs. Lippincott, Lewis, Eyre and Meredith, by the Select Council.

Messrs. Gilder, Byerly, Smith and Hutchinson, were appointed by Common Council, as members of the building committee of the Girard College.

On motion, both Councils resolved to meet on Tuesday next, at 12 o'clock, for the election of a Mayor of the city.

A special meeting of Councils was held October 14th, afternoon. On motion, the resolution before the last Councils, authorizing the Mayor to draw his warrant on the Treasurer of the Girard Estate, for \$10,000 to be appropriated to the city improvements on the Schuylkill, was referred to a joint committee of two members from each council. Committee of Common Council, Messrs. Huston and Chandler.

The petition of Samuel Geiss, an item of unfinished business, was referred to a special committee.

On motion, the subject of purchasing additional copies of Girard's will, for the use of the new members, was referred to the Library committee, with power to act.

The following named gentlemen were appointed a committee to take charge of the Girard lands in Pennsylvania out of Philadelphia county—from the Select Council, Messrs. Groves, Lippincott, and Neff; from the Common Council, Messrs. Toland, Gilder, and Huston. Several other committees were appointed in the Common Council, which will be published when completed by the Select Council.

Councils adjourned until to-morrow morning at 12 o'clock, to elect a Mayor, and two Commissioners of the Girard College, in the place of Messrs. Price, and Meredith.

#### ELECTION OF A MAYOR.

Oct. 15th, at noon, the Councils held a joint meeting to elect the Mayor of the city, for the ensuing year; and also two trustees of the Girard College for Orphans.

The following members were present, of the

#### SELECT COUNCIL.

INGERSOLL,	Groves,
Lewis,	Worrell,
McCready,	Meredith,
Price,	Lippincott,
Eyre,	Jackson,

#### COMMON COUNCIL.

TROTH,	Chandler,
Huston,	Smith,
Gilder,	Yarnell,
Toland,	M'Mullen,
White,	Wright,
Kirk,	Firth,
Hutchinson,	Warner,
Montelius,	Schott,
Lancaster,	Darrah.
Byerly,	

The Election was *vive voce*, and every member present, as his name was called, responded

#### JOHN SWIFT.

The President of the joint meeting, Mr. Ingersoll, having announced to the members the result of the Election, Messrs. Groves and Byerly were appointed a committee to wait on the Mayor elect, announce to him the result of the vote, and request him to attend in the Council Chamber, and be qualified in presence of the people and their representatives.

On the introduction of the Mayor, Councils rose, and the President announced to him his election. The Recorder, Joseph M'Ilvaine, Esq. then administered to the Mayor elect the oath of office—which bound him to respect the Constitution of the United States, and the Constitution of the State of Pennsylvania, and faithfully discharge the duties of Mayor of the city of Philadelphia.

The Mayor then expressed his thanks to the Councils for this renewed instance of their confidence, and expressed his determination to devote his attention exclusively to the public service.

Having subscribed the usual obligation, the Mayor then retired.

#### CHOICE OF TRUSTEES.

After the Election and qualification of the Mayor, the Councils proceeded, in joint ballot, to elect Trustees in the place of Messrs. Price and Meredith, elected to Council. When it appeared that

SAMUEL V. MERRICK,

was chosen, for one year, in the place of Richard Price; and

JAMES GOWAN,

was chosen, for three years, in the place of Wm. M. Meredith.

The business of the joint meeting having been accomplished, the Select Council proceeded to their Chamber, and the President announced his appointment of Standing and Joint committees; and sent to Common Council an amendment to the Wills' Hospital Ordinance.

In Common Councils, the Paving Committee was filled up. Councils, adjourned to Friday evening.

#### THE COMMISSIONERS OF THE GIRARD TRUST.

The new commissioners assembled Oct. 15th, at their room. The members are, Joshua Lippincott, Manuel Ayre, Henry Troth, Laurence Lewis, Robert McMullen, Joseph R. Chandler, Wm. M. Meredith, Dr. R. M. Huston, and his honor the Mayor, ex officio. The board proceeded to the election of officers, when the following gentlemen were unanimously re-elected.

President—*Joshua Lippincott.*

Secretary—*Morgan Ash.*

Agent for Farms—*George Bastian.*

The following committees were appointed by the President.

On Real Estate—Messrs. Troth, McMullen and Huston.

Finance and Accounts—Eyre, Lewis and Meredith.  
Farms and Lots in the County—Swift, Chandler and Lippincott.—*U. S. Gazette.*



## RECEPTION OF GENERAL WASHINGTON, 1789.

Upon looking over a file of the Pennsylvania Packet and Daily Advertiser, for April 1789, we met with the following articles relating to the reception of General Washington in this city, who was then on his way to New York, to take upon himself the office of President of the United States. As a reminiscence of old times, and an expression of the sentiments and feelings of the public towards that great man, as well as exhibiting the style in which such honors were then paid—it will we have no doubt prove interesting to our readers, and revive in many of them recollections of scenes in which probably they participated.

Extract of a letter from a gentleman in this city to his friend in the country, dated the 22d inst.

"My dear Nephew,

"I know you are anxious to hear the particulars of our late procession on the arrival of the President General. Being myself one of the *Dramatis personæ*, I shall give you a short detail of it, as well as my memory will serve.

"On the 19th inst. His Excellency Thomas Mifflin, Esq. President of the State, the Honorable Richard Peters, Esq. Speaker of our Legislature, and the old city troop of horse, commanded by Captain Miles, proceeded as far as the line between this state and that of Delaware, under the pleasing expectation of meeting our beloved WASHINGTON, President General of the United States; we were, however disappointed, as he did not arrive at the line till early the next morning, when we were joined by another troop from the city, commanded by Captain Bingham. After paying him the tribute of military honor due to his rank and exalted character, by proper salutes and otherwise, we escorted him into Chester, where we breakfasted, and rested perhaps a couple of hours.

"This great and worthy man finding he could not possibly elude the parade which necessarily must attend manifestations of joy and affection, when displayed by a grateful people, to their patriot benefactor, ordered his carriages into the rear of the whole line, and mounted an elegant horse, accompanied by the venerable patriot Charles Thompson, Esq. and his former aid de camp, the celebrated Col. Humphries; both of whom were also on horseback.

"On our way to the city, we were joined by detachments from the Chester and Philadelphia troops of horse, commanded by Captains McDowell and Thompson, and also by a number of respectable citizens, at whose head was the worthy citizen and soldier, his Excellency Arthur St. Clair, Esq. Governor of the western territory. Thus we proceeded to Mr. Gray's bridge, on Schuylkill; observing the strictest order and regularity during the march. But here, my nephew, such a scene presented itself, as even the pencil of a Raphael could not delineate.

"The bridge was highly decorated with laurel and other evergreens, by Mr. Gray himself, the ingenious Mr. Peale, and others, and in such a style, as to display uncommon taste in these gentlemen. At each end there were erected magnificent arches, composed of laurel, emblematical of the ancient triumphal arches used by the Romans, and on each side of the bridge a laurel shrubbery, which seemed to challenge even Nature herself for simplicity, ease and elegance. And as our beloved WASHINGTON passed the bridge, a lad, beautifully ornamented with sprigs of laurel, assisted by certain machinery, let drop, above the Hero's head, unperceived by him, a civic crown of laurel. There was also a very elegant display of variegated flags on each side the bridge, as well as other places, which alternately

caught the eye, and filled the spectator's soul with admiration and delight.

"But who can describe the heartfelt gratulations of more than twenty thousand free citizens, who lined every fence, field and avenue between the bridge and the city. The aged sire, the venerable matron, the blooming virgin, and the ruddy youth, were all emulous in their plaudits—nay, the lisping infant did not withhold its innocent smile of praise and approbation.

"In short, all classes and descriptions of citizens discovered (and they felt what they discovered) the most undisguised attachment and unbounded zeal for their dear Chief, and I may add, under God, the Saviour of their country. Not all the pomp of majesty, not even Imperial dignity itself, surrounded with its usual splendour and magnificence, could equal this interesting scene.

"On approaching near the city, our illustrious Chief was highly gratified with a further military display of infantry, commanded by Capt. James Rees, and artillery, commanded by Capt. Jeremiah Fisher, two active and able officers; and here I must not omit to give due praise to that worthy veteran Major Fullerton, for his zeal, activity, and good conduct on this occasion.

"These corps joined in the procession, and thousands of freemen, whose hearts burned with patriotic fire, also fell into the ranks almost every square we marched, until the column swelled beyond credibility itself; and having conducted the man of our hearts to the City-Tavern, he was introduced to a very grand and plentiful banquet, which was prepared for him by the citizens. The pleasures and festivity of the day being over, they were succeeded by a handsome display of fire-works in the evening. Thus I have given you a faint idea of this glorious procession, and of the universal joy which inspired every heart upon this interesting, this important occasion.

"I am, Dear Nephew, &c."

The decorations of the Lower Ferry, &c on Monday last, by Messrs. Gray, in honour of the arrival of the illustrious President-General, gave the highest satisfaction to all the spectators.

On the top of the new house was elevated a large flag, which, by a pre-concerted signal, gave notice to the troops on the Commons of the arrival of his Excellency.

At the south-west corner of the bridge was placed a white flag—device a rising sun, more than half above the horizon—motto, "The rising empire." At the north-west corner, opposite the above flag, was one with the inscription—"The new era." On the hill at the south-west corner was an elegant blue flag. Along the north side of the bridge were ranged eleven flags, inscribed with the names of the eleven members of the new confederacy—New-Hampshire, Connecticut, Massachusetts, New-York, New-Jersey, Pennsylvania, Maryland, Delaware, Virginia, South-Carolina and Georgia. The American flag was hoisted in the centre of the bridge, at the south side. At the south-east corner was erected, upon a very high pole, the cap of liberty, decorated with eleven stars and stripes; and underneath, blue flag—device, a rattlesnake—motto, "Don't tread on me." At the north-east corner, a white flag displayed emblems of trade and commerce, with the motto, "May commerce flourish."

The ferry-boat was moored about the centre of the river, near the bridge, and had two jacks flying—the ferry-barge was at fifty yards distance, with a jack flying, which displayed the American stars. The bridge was neatly lined at each side with laurel, intermixed with cedar bushes. At each end of it was a triumphal arch, entwined with laurel; and a laurel wreath was suspended from the centre of the western arch, which was lowered by a child, clad in white, on the adjacent hill, at the approach of his Excellency.

When we consider the shortness of the time in which these arrangements were made—the elegance of their



appearance—and the expence to which Messrs. Gray disinterestedly went on the occasion, no man can refrain from bestowing on them that tribute of applause which they have so well deserved.

—  
PHILADELPHIA, APRIL 24.

The entertainment given by the citizens of Philadelphia to his Excellency the President of the United States, on Monday last, was extremely elegant, and conducted with great propriety and decorum. All the clergy and respectable strangers in the city were invited to it. A band of music played during the whole time of the dinner.

The conduct of his Excellency upon this occasion, as usual, captivated every heart.

Tuesday morning, at ten o'clock, the city troops of light horse paraded, in order to accompany him to Trenton; but his Excellency being obliged, on account of the rain, to ride in his carriage, insisted upon declining the honour they intended him; "for he could not," he said, "think of travelling under cover, while they were exposed to the rain on horseback."

How different is power when derived from its only just source, viz. THE PEOPLE, from that which is derived from conquest, or hereditary succession! The first magistrate of the nations of Europe assume the titles of Gods; and treat their subjects like an inferior race of animals. Our beloved Magistrate delights to shew upon all occasions, that he is a man—and instead of assuming the pomp of master, acts as if he considered himself the father—the friend—and the servant of the People.

—  
PHILADELPHIA, APRIL 22.

Yesterday morning at ten o'clock his Excellency the President of the United States left this city, on his journey to New York. His Excellency was accompanied by Charles Thomson, Esq., and Colonel Humphreys, formerly aid-de-camp to his Excellency. Previous to his Excellency's departure the following Addresses were presented.

[See next No. of the Register]

The following toasts were drank on Monday last, at the Entertainment given at the City Tavern to his Excellency GEORGE WASHINGTON, Esq.

1. The United States.
2. The Federal Constitution.
3. The Senate and Representatives of the United States.
4. His Most Christian Majesty, our great and good Ally.
5. His Catholic Majesty.
6. The United Netherlands.
7. The State of Virginia.
8. The Vice-President of the United States.
9. The State of Pennsylvania.
10. The immortal memory of those Heroes, who fell in defence of the liberties of America.
11. The members of the late General Convention.
12. The Agriculture, Commerce and Manufactures of the United States.
13. May those who have opposed the New Constitution be converts, by the experience of its happy effects.
14. Government without oppression, and liberty without licentiousness.

## STEAM BOAT NAVIGATION OF THE SUSQUEHANNA.

This is a subject to which a good deal of pains has lately been taken to direct public attention, and we are willing to throw in our mite to its elucidation. The pre-

liminary enquiry is, whether the character of the river is such as to admit of steamboat navigation? And on this point we believe there is more information in the Report of the Maryland Commissioners, namely Messrs. Bland, Winchester and Patterson, made in 1823, than any where else.

The Commissioners set out in June, 1823, to N. York, Albany, &c. to Oswego, on the Susquehanna, where they procured an open, flat bottomed boat, in which they descended the river to Harrisburg. We make the following extracts.—*Harrisburg Chronicle*.

We descended this principal branch, from Owego in New York to Harrisburg in Pennsylvania, in the month of June last; when the stream was perfectly pellucid, and its bottom almost every where distinctly visible. From Owego to Nanticoke falls, eight miles below Wilkesbarre, there is no dashing on its surface or ripple, its waters glide smoothly along, often quite sluggishly, and sometimes with a rapidly accelerated motion over a gravelly, stony or rocky bottom; but no where tumbling like a torrent. Nanticoke falls is a single straight sluice, into which the whole stream is collected, and shoots down about five feet in a distance of little less than four hundred yards. This fall is never considered dangerous. The Nescopeck or Berwick falls, about twenty miles lower down, are similar in their general outline; the sluice here descends a fall of about six feet in a distance of not quite three hundred yards. The difficulty of going up these falls is greatest in low water which lessens in proportion to the rising of the river, and in high water they are ascended with ease. M'Kee's half falls, nineteen miles below Northumberland, makes a short rapid; the original difficulties in which having been principally removed, it is now considered easy and safe. Nine miles below M'Kee's begin those ripples called Barger's Berry's and Gurty's notch, which continue for nine miles. These ripples are formed by solid reefs of rock extending quite across the river; but with moderate caution, there is no difficulty or danger in passing them, either up or down. Seven miles farther down, Fuster's falls commence; and six miles lower are Hunter's falls; but neither of them present any thing like a broken pitch of water. The stream is, however, much accelerated, and the channel which passes among large masses of rock, that lift their heads above the stream; or approach near to the surface, is crooked, and has not as yet been cleared out in so direct a line as it should be, so as to present a straight, fair sluice for the descent of arks and boats. But the few losses which happen here arise not so much from the great difficulty of the passage, as from careless or unskilful pilotage. The descent of the few ripples from Hunter's falls to Conewago are calculated to give additional speed to the waters; but their passage is in either way, attended with no danger or difficulty. Such is the nature of the navigation of the principal branch of the Susquehanna from Otsego lake to Conewago.

From every information we have been able to obtain, the navigation of the Tioga branch from Bath, and of the western branch, for a distance of one hundred and sixty miles above Northumberland, is equally good and very similar in its general character. The Juniata, from Frankstown, on the north branch, and from Bedford on the Raystown branch, is reported to be much better, and less broken by falls and ripples.

The costs and charges of navigating an ark of forty tons burthen, which is the average tonnage of those vessels, from Owego to Conewago, a distance of two hundred and fifty miles, is about fifty dollars, and somewhat proportionally more or less, from any point higher up or lower down the river. But from Conewago or Columbia, a distance, at farthest, of not more than sixty or seventy miles, by the river channel, to tide, the expence of navigating a similar ark down the torrent, (and with a burthen of more than fifty tons, no one will venture to descend,) is, from fifty to seventy dollars. Thus constituting more than one half of the whole ex-



pense of navigating the river from any of its highest points; independent of the insurance, which to Conewago is nothing, or not more than one half per cent, but which from Conewago to tide is worth from seven, to ten per cent on the value of the cargo; but on the proposed canal, from Conewago to Baltimore, the whole expense of transportation through, would not exceed half that amount. The proposed canal, then, would be the means of saving in the descending navigation, one fourth in the expense of transportation from the most remote point, and all the premiums for insurance.

The Conewago falls being a straight, and comparatively easy sluice of nineteen feet descent, in a distance of about one quarter of a mile, the descending arks usually shoot down it without any additional preparation, and proceed on to Columbia, where they always stop to take in a pilot, and prepare for the further descent; and when prepared, they always leave Columbia in the morning, and in five or six hours after having been committed to the mad torrent they are either dashed to pieces against the rocks. or safely moored, at a computed distance, along the sinuosities of the channel, of sixty miles below on the placid tide. Many projects and contrivances have been suggested for clearing the rugged bed of this monstrous rapid, and of controlling and regulating the fury of its speed; but, as yet, although immense sums have been expended, the comparative little chippings and notchings in the huge masses of rock over which it foams. whirls, and rushes along, have scarcely in any sensible degree mitigated or diminished the perils of the descending navigation. But as to ascending, the roused up, mighty river, as it pours a long, charged with the drainage of its millions of acres, resistless, roaring, dreadful, tumbling down through rocks abrupt, seems to hold in scorn all human efforts and contrivances to ride on its bosom, and run counter to its thundering course.

It is said, however, that a loaded boat has been forced up from the tide, all the way to the Conewago falls; but the description of the manner and the season in which it was done are sufficient to satisfy any one that the ascent of these falls may be pronounced altogether, and physically impracticable for all commercial purposes whatever. The boat is said to have set out in the summer season, when the waters were clear, and the stream low; to have on board only about eight or ten tons; to have been very strongly manned; to have been forced along in some places by poles alone, and in others warped up, by sending out a strong rope ahead which was fastened to a rock in the water, up to which the boat was hauled, and then another rope again sent ahead and made fast, up to which she was, in like manner hauled, and so on.

#### ATHRACITE COAL.

The discovery of anthracite coal in Berkley county, Va. was made a few weeks ago by Mr. Purcell, Engineer of this place. He brought to this town with him on his return a large quantity of the discovered mineral, for samples, some of which we have seen. The coal seems to be of a superior quality, and the mine from which it was taken represented as one of the richest ever observed. It is situated about sixteen miles from the Potomac river, near the line of Berkley and Morgan counties, and in the valley of a creek affording an excellent site for a rail road to convey its treasures to the canal. The region in which this discovery has been made corresponds with the anthracite region in Pennsylvania; and is on a line with Licking creek in this county. It is said that no coal has been found south of that line or range of hills in that state, and the inference is, that neither is it to be discovered south or east of it in this state or Virginia. Its discovery in one place in this neighborhood leads to the belief that it extends in strata from the coal mines in Pennsylvania throughout that state,

Maryland, and Virginia, and even farther south. The day of enterprize and discovery is at hand, and as the Chesapeake and Ohio canal penetrates the western hills, new and exhaustless mines of wealth will be brought to light, and rendered tributary to its revenue and the public prosperity, in a degree scarcely now to be estimated. These, without such an improvement, would have slumbered for ages yet in the bosom of the earth; or, if discovered, inaccessible by any means that could bring them to market and render them applicable to the various uses for which they are peculiarly designed.—*Williamsport (Md.) Banner.*

From the Warren (O.) News Letter, Oct. 8.

#### CANAL MEETING.

On the evening of the 1st October, instant, a very respectable number of the citizens of this county met at the court house, in this village, in pursuance to a notice of that day, published in the News Letter.

General Simon Perkins, on motion of Elisha Whittlesey, Esq. was appointed chairman—David Tod, Secretary. The notice above alluded to was read; Judge Pease addressed the meeting on the subject for which it had been convened; followed by Judge King, one of the commissioners named in the charter, who gave an exposition of what the commissioners had done, under their appointment.

On request of R. P. Scolding, Esq. the Secretary read a portion of a letter from Gen. McCoy, of Pennsylvania, to one of the Commissioners, in which he observes, "that from personal observation, as well as from surveys and reports submitted by Mr. Sloan, he does not entertain a single doubt as to the feasibility of connecting the Beaver division with the Ohio canal, at Akron."

The following resolutions, offered by J. Crowell, Esq. were severally read and adopted:

Resolved, That a committee of three individuals be appointed to frame and report resolutions relative to the object of this meeting for the consideration of the same.

Resolved, That the said committee be appointed by the chairman of this meeting.

Whereupon, Calvin Pease, Elisha Whittlesey, and Leicester King, Esqrs. were appointed from the chair; who withdrew for a short time. During their absence, the meeting was severally addressed by George Tod, Eli Baldwin, Eben Newton, and Wm. L. Knight, Esq. on the importance of the contemplated enterprize, to the cities of Philadelphia, Pittsburg, the inhabitants of the Mahoning valley, and the people to the west and northwest generally.

E. Whittlesey, Esq. in behalf of the last named committee, made the following report, which was promptly and unanimously agreed to:

Resolved, It is expedient to appoint delegates from this county, to meet such delegates as may be appointed by the counties in Pennsylvania and Ohio. interested in the construction of a canal, to intersect the canal in Pennsylvania.

Resolved, That the Convention meet at Warren, on the second Wednesday of November next.

Resolved, That the counties in Pennsylvania and Ohio, interested in the contemplated canal, be requested to appoint delegates to attend said Convention.

Resolved, That Calvin Pease, Simon Perkins, Leicester King, Eli Baldwin, Wm. Rayen, Zalmon Fitch, Tracy Bronson, Ambrose Hart, J. P. Kirtland, and David Tod, Esqrs. be the delegates from this county.

Resolved, That the proceedings of this meeting be published in the papers of this village, with a request that editors of papers published in places interested in the contemplated canal give the same an insertion in their respective papers.

E. Whittlesey, Esq. followed by Mr. William Bell, from Pittsburg, who happened to be present, addressed



the meeting on the importance of the proposed canal, to the trade of Pennsylvania and Ohio, generally.

On motion, the meeting was adjourned.

SIMON PERKINS, Chairman.

DAVID TOD, Secretary.

We do not usually record accounts of executions. Upon the present occasion, we deem it proper to depart from our rule, for the purpose of introducing as an historical fact, the *first* case, we believe, that has occurred, in this state, of the *improved* mode of hanging, which, as the account philosophically states, is "*decidedly superior to any other now in use.*" The mode of constructing the gallows is said to be upon the New York plan. In this instance it does not appear to have worked well; and we earnestly hope the time is not distant, when such barbarous spectacles shall not be exhibited among us, professing as we do, to be a civilized, and Christian community. The plan of raising the culprit from the ground instead of dropping him from the scaffold, however, is not new. It is that usually practised by the Turks towards the Greeks, as we had occasion to narrate in Vol. III. of the Register, page 222, to which we refer; as well as to a memorial signed by some of our most respectable citizens, which will also be found on the same page, addressed to the Legislature. Will not this be a favorable moment to revive the subject, for the special attention of our representatives?

From the Easton Sentinel.

#### THE EXECUTION OF GETTER.

On Friday last this victim of the law paid the forfeit of his crime under the gallows. On the afternoon previous, our borough began to fill with people who had come far and near to witness the execution, and all the accommodations for men and horses were occupied by an early hour in the evening—not a public house in the place, but was crowded to overflowing. On Friday morning however the influx of persons was greater than it had been the evening before, and the streets became almost jammed up. About 11 o'clock many of them betook themselves to the place of execution, which was the island in the river Delaware, opposite the mouth of the Bushkiln. The gallows was erected near the centre, affording opportunity for a view to perhaps 100,000 persons from the surrounding banks and hills. The two troops of cavalry, commanded by Captains Brown and Whitcull, for several hours before the execution, formed a *cordon* around the gallows. About 12 o'clock, (M.) the troop of Capt. Yard, and several companies of foot, composing the Sheriff's escort, formed in front of the jail. At fifteen minutes before one o'clock, the jail doors were thrown open, and the prisoner was brought out dressed in a suit of white, and walked between his brother-in-law and the Sheriff into the centre of the hollow square, where were also placed several members of the bar, the friends he wished to accompany him to the gallows—the clergymen—a carriage containing our physicians—and the wagon containing the coffin. The prisoner had expressed his unwillingness to ride, and preferred to walk the whole way, a distance of a little more than half a mile. The procession then moved on. Getter had his arms pinioned by a cord across his back, and had it not been for this constraint upon his motions, his step would have been as free and as firm as that of any man around him. As he passed along, he cast his eyes about him, with apparent curiosity and frequently addressed himself to his brother-in-law, Mr. Lawler, or to the Sheriff, and in getting off the bridge of boats upon the island, displayed very great care to avoid wetting his feet. The gallows had been constructed upon the late New York plan—decidedly su-

perior to any other now in use—having about three hundred weight attached to the rope, which passes over a pulley, and by its superior gravity runs the prisoner up. No scaffold had been erected, as it was the prisoner's request that he should be run up from the ground. A prayer was offered under the gallows by the Rev. Mr. Hecht, and other ceremonies gone through with; the remainder of the time was occupied by the prisoner in bidding farewell to those of his acquaintance whom he saw around him, many of whom he called from among the volunteers and the crowd. His manner was firm, cool, and collected—not a nerve about him showed one single symptom of fear or agitation; his manner and conduct would in a better cause have been called heroism. At ten minutes past two, the Sheriff asked him if he was ready—he answered yes, and stepped under the gallows. His frock and cap were then put on, he himself assisting in the operation. The end of the rope which he had around his neck, was then drawn out from his clothes and looped upon the hook attached to the rope depending from the gallows—the cap was drawn over his face, he bade the Sheriff farewell in his usual tone of voice, and awaited the fatal blow. The Sheriff with a hatchet severed the rope which held the weights, and he was taken up with a sudden and powerful jerk. He had scarcely been raised three feet from the ground, however, when the rope snapped off, and he fell. His face was uncovered but he lay without life or motion for half a minute. He then opened his eyes and looking round him with a kind of half smile, half sneer—and casting his eyes up towards the rope, remarked in careless tone "*that was good for nothing.*" He then got up, and rubbing his arm, complained that he had hurt it upon the stones when he fell. Even this terrible interlude in the solemn scene, which chilled the blood of almost every spectator, had no effect upon his iron nerves. He leaned against the gallows with the utmost composure, until the deputy Sheriff had provided another rope. He was then led a few steps off, and his face turned away, so that he might not see the preparations. Hearing a noise behind him, however, he turned around and looked on while the ropes, weights, and pulleys were being arranged with the utmost indifference and unconcern—When all was ready he stepped under the gallows to try it again. When the rope was drawn out from his clothes, he requested the Sheriff to draw up his cravat, in order to hide that part of the rope which passed about his neck. The rope was made fast, he shook hands with the Sheriff, and stood a second time, calmly and coolly awaiting his fate. The cord was cut, and he was immediately carried up about six or eight feet. His breast heaved at intervals as if nature was making an attempt to breathe, but in 11 minutes all motion ceased. In 30 minutes he was cut down, and his body given to his relatives. Thus died Getter: a man whose incredible nerve and firmness were never surpassed, however severely the circumstances of his execution were calculated to try him; and any one who saw him die would cease to wonder at the cold and unrelenting manner in which he acknowledges to have committed the horrid crime for which he has suffered.

His appearance on being brought out of Jail, surprised those who had not seen him since his trial. Instead of a thin, and woe-worn being, they beheld him actually fat and fleshy, with a good color in his face. His appetite had never failed him during the whole time, and his sleep according to his own acknowledgement, had been unbroken and tranquil; and the efforts of good living and refreshing sleep, were visible in his whole appearance.

The breaking of the rope proved one interesting fact clearly and satisfactorily—which is that the first shock when the criminal is jerked from the ground destroys all sensation, and consciousness, that he neither knows or feels pain or inconvenience afterwards, but becomes perfectly insensible after the first moment.



From the Pittsburg Gazette.

### COMMERCIAL.

Mr. CRAIG—I have received from Jos. Anderson, Esq., Comptroller of the Treasury, a letter which may be of much importance to our importing Merchants, as it explains the manner of removing the present difficulties, when the river is too low for a steamboat to come up to this port from New Orleans, with merchandize which may have been bonded at this office.

Will you have the kindness to publish this letter in your paper, for the information of our merchants.

Yours, respectfully,

EDWARD JONES, Surveyor.

Custom House, Pittsburg, }  
October 10th, 1833. }

TREASURY DEPARTMENT, }  
Comptroller's Office, }  
Oct. 4th, 1833, }

Sir—Your letter of the 28th ultimo, has been received. You submit the question, whether goods bonded for, or owned by, persons in Pittsburg, on being conveyed in boats from New Orleans, which in consequence of the lowness of the water, will not be able to proceed the whole way to Pittsburg, may be landed at Louisville or Cincinnati, and transferred to smaller sized boats, on a regular protest being made before a notary public that such a course became absolutely necessary, arising from the circumstances stated.

You were apprised, by my letter to you of the 21st April, 1831, that the act of 2d March, 1831, made no provision for a transfer of the goods from one boat to another; but appeared to require that the boat, in which they were placed at New Orleans, should deliver them at the port of destination.

The course now proposed, however, places the matter in a different point of view, and if the following additional regulations, with the protest alluded to, be complied with, it appears to me that the revenue will be so satisfactorily secured, that a transfer of the kind, in such cases, might be permitted to be made.

When a boat, on arriving at Louisville or Cincinnati, with goods from New Orleans, is found either to be so much injured, or in consequence of the lowness of the water, is unable to proceed further, if a regular report thereof be made to the Surveyor of the port, and he be satisfied that in order to convey the goods to Pittsburg, a transfer of them into another boat, or boats, is absolutely necessary, such transfer may be made, under the superintendence of a person to be appointed by the Surveyor for that purpose, who is to inspect the packages, and see that they correspond with the specification of them in the verified manifest of the cargo.

The person so appointed, should take the oath required by law, of inspectors of the Customs.

After the transfer is completed, the Inspector should make a report of his proceedings to the Surveyor; and in case of discovering any disagreement between the packages and the manifest, he should make a special report thereof, and the Surveyor should thereupon, take such measures as the nature of the case would seem to require.

In order that you may be satisfied that the transfer was regularly made, an endorsement to that effect should be made on the manifest, by the Surveyor of the port where it may have taken place.

Respectfully,

JOSEPH ANDERSON, Comptroller.

EDWARD JONES, Esq.

N. B. Our city editors, who can make it convenient to give this communication one insertion in their papers, will, no doubt, oblige many of their subscribers.

PITTSBURGH.—Having seen Pittsburg, in all its rapid progress and vicissitudes of trade since 1800, we have

been struck with admiration at the pleasing contrast to that period, now every where to be seen. Then it had but six or eight small stores, all of which did not do as much business in a year as is now done by some of our second rate stores. Then there was not a single warehouse or secure place to deposit goods for the west—and only in 1805 or 6, a small frame warehouse adjoining your present office in fourth street, was built for this purpose; and may now be seen as a memento of former times. Now we have from sixty to eighty large wholesale establishments, whole blocks of very large and secure brick warehouses. Perhaps in the city and vicinity, fifty large and many minor manufactories of different kinds; and from three to four hundred Retail Stores. Then we had a population of less than 2,000, little trade and no manufactures; and money was scarce and in few hands. Now we have the banks, a large and flourishing trade, extensive manufactories, ample employment for industry and capital; and a prosperous population in the city and immediate vicinity upwards of thirty thousand souls. How pleasing the contrast? How grateful for so many blessings and mercies.

A MERCHANT.

*Advocate.*

### MERCHANTS'S ASSOCIATION.

At a very numerous meeting of the Merchant's of this city, convened at Wade's Hotel, on the evening of the 15th inst. to take into consideration the propriety of forming an Association, by means of which the Commercial and Trading Community of this city may be enabled to act with united effort on all subjects relating to their interest, Thomas P. Cope, Esq. was called to the chair, and Thomas C. Rockhill was appointed secretary.

The object of the meeting having been stated by the chairman, a committee was appointed to draft a constitution, which having been presented for consideration, was adopted and ordered to be printed.

A committee of twelve persons was appointed to receive the subscriptions of the members.

The association then adjourned to meet at the same place on Tuesday evening, the 22d inst. to elect officers for the ensuing year.

(Signed)

THOMAS P. COPE, Chairman.

THOMAS C. ROCKHILL, Secretary.

Philadelphia, October 16, 1833.

From the Philadelphia Gazette.

The following are the inscriptions as written by the Rev. Dr. Wilson, and placed on the tomb erected by his family, at his country seat.

Placida hic pace  
quiesco

Jacobus P. Wilson.

Per annos bis septem

composui lites;

Sacra exinde dogmata  
tractans.

Quid sum, et fui, jam

noscis, viator;

Quid, die suprema, videbis.

Brevi quid ipse futurus

Nunc pectore versa.

[On the other side,]

James P. Wilson, D. D.

Born Feb. 21st, 1769.

Died, Dec. 9th, 1830.

This Monument was

erected by his

family.

There is now growing, on the farm of Mr. Thomas P. Lee, in Oley, Berks county, Pa. a Willow Tree, which was planted in '97, the trunk of which measures 15 feet 3 inches in circumference, and to the top 283 feet. It was a small branch, taken there as a riding switch.



## PORT OF PHILADELPHIA.

During the present year, from January 1st to September 30th, the amount of Tonnage entered at the Custom House, of vessels arriving from, and clearing to foreign ports, has been, 127,298 07 tons.

## ARRIVALS.

	1st qr.	2d qr.	3d qr.	total.
American,	11,547	19,256	21,409 27	52,212 27
Foreign,	2,334	8,497	10,082 80	20,913 80
	13,881	27,753	31,492 07	73,126 07

## CLEARANCES.

	1st qr.	2d qr.	3d qr.	total.
American,	6,891	17,189	11,359	35,439
Foreign,	1,474	5,563	11,696	18,733
	8,365	22,752	23,055	54,172

From the reports made to the United States Treasury Department, we find that, during the year 1832, the Tonnage entered at the ports of Boston, New York, Philadelphia, Baltimore, and New Orleans, were as follows:

## ARRIVALS.

	Boston	N. Y'rk	Phila.	Balt.	N. Orls.
Amer'n.	136,369	298,127	64,245	50,936	68,637
Foreign,	21,442	102,908	17,971	20,857	56,942
	157,811	401,035	81,916	71,593	125,579

## CLEARANCES.

	Boston	N. Y'rk	Phila.	Balt.	N. Orls.
Amer'n.	125,751	218,490	46,724	48,933	88,236
Foreign,	22,427	90,900	14,131	15,648	59,620
	148,178	309,390	60,855	64,581	147,856

## UNITED STATES REVENUE.

PORT OF PHILADELPHIA.—The Collector of this port has enabled us to furnish the following account of the duties that have accrued to the government at the port of Philadelphia, from January 1st, 1833, to Sept. 30th, inclusive.

1st quarter up to March 31st inclusive,	\$797,316 23
2d do. to June 30th inclusive,	594,638 10
3d* do. to Sept. 30th inclusive,	1,003,120 00

Total, \$2,395,074 33

In 1832, for the corresponding period the receipts were,

1st quarter,	\$1,332,479 93
2d do.	977,698 56
3d do.	702,456 00

Total, \$3,012,634 49

\*Increase of 3d quarter in 1833 over 1832, \$300,664 00.

INSPECTION OF FLOUR, &c.—Inspection of Flour, Corn Meal and Middlings, for the port of Philadelphia, for the six months ending Sept. 30th, 1833.

206,863 brls. Wheat Flour.
10,183 hf. brls do do
27,063 brls. Rye Flour.
24,546 brls. Corn Meal.
6,178 hhds. do do
1,388 brls. Middlings.

Commercial Herald.

We are indebted to Mr. Davis for the Inspections of flour and meal for the quarter ending 30th Sept.

65,002 bbls. superfine Flour
5,920 half do do do
4,617 bbls. scraped do
197 half do do do
1,150 bbls. condemned do
644 do middling do
9,284 do rye do
8,485 do Corn Meal
2,333 hhds do do.

U. S. Gaz.

FLOUR.—From the opening of the navigation to the 30th September, inclusive, the amount of Flour received in this city, by way of the Schuylkill canal, has been 105,401 barrels.

Of this amount there was received from the Union Canal,	64,674
From Kernsville,	378
Reading,	7,567
places below Reading,	32,782
Total,	105,401

Commercial Herald.

## APPOINTMENTS BY THE GOVERNOR.

ELLIS LEWIS, President Judge of the Court of Common Pleas, in the Ninth Judicial District, in the place of the Hon. Seth Chapman, resigned.

GEORGE M. DALLAS, attorney general of the commonwealth, in the place of Ellis Lewis, Esq. appointed president judge in the Ninth Judicial District.—*American Sentinel*.

## SOUTHWARK.

## Commissioners—Official.

Democrats.	East.	West.	Total.
Thomas D. Grover,	690	508	1198
D. Francis Condie,	680	518	1198
John F. Stump,	672	512	1184
William H. Yhost,	674	509	1183
Richard Mackey,	669	505	1174
Independent Democrats.			
Henry Flickwir,	516	430	946
John L. Ferguson,	514	430	944
Nathaniel C. Foster,	513	422	935
William Hughes,	511	419	930
Dennis Sweeny,	493	419	912

The Commissioners of Southwark were organized Oct. 15th, by electing Thomas D. Grover, President of the Board, and John Oakford, Clerk. Mr. John Curry was appointed Captain of the watch, James Green, Lieutenant, and Henry Manderfield, Police Officer. Joseph M. Doran was appointed Solicitor to the Board, in the place of Parsey Oakford.

CANAL TOLLS.—From the Blairsville Record we learn that the tolls received at the Collector's office in that place, during the present season, have been, up to Oct. 1st, \$10,191 89. During the same period last year, they were \$3,677 97; making an increase this year of \$6,503 92.—*Com. Herald*.

CANAL TRANSPORTATION.—The Blairsville Record says:—

"A lot of goods was received at this place last week, by the 'Boatman's Line,' in eight days from Philadelphia. This is the quickest passage that has ever been made by Canal Boats. Formerly goods delivered here from the city, by wagons, would take 18 to 20 days—and at a price of from \$2 50 to \$3 25 per hundred; now by the Canal Boats, it is only \$1 25 per hundred."

COAL MINE.—Mr. Horn has recently opened a Coal Mine on Buck Mountain, a few rods south of the Turnpike, and about four miles of this place. This is another proof of the great extent of the coal region.—*Mountaineer*.

We were presented last week, with a small twig of the Indian cherry tree, bearing about thirty fine ripe cherries of the second growth, which are equal in flavor to those of the natural season. They grew upon the premises of Mr. ABRAHAM CULP, of this place.—*Germantown Tel.*



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 17. PHILADELPHIA, OCTOBER 26, 1833. NO. 304

## RECEPTION OF GEN. WASHINGTON IN 1789.

(See last Register, page 252.)

An address to the President of the United States, from the President and Supreme Executive Council of Pennsylvania.

SIR—

The President and Supreme Executive Council of Pennsylvania cheerfully embrace this interesting occasion to congratulate you upon the establishment of the Federal Constitution, and to felicitate ourselves and our country upon your unanimous appointment to the Presidency of the United States.

In reflecting upon the vicissitudes of the late war, in tracing its difficulties, and in contemplating its success, we are uniformly impressed with the extent and magnitude of the services which you have rendered to your country; and by that impression, we are taught to expect that the exercise of the same virtues and abilities which have been thus happily employed in obtaining the prize of liberty and independence, must be effectually instrumental in securing to your fellow citizens and their posterity, the permanent blessings of a free and efficient government. And although the history of the revolution will furnish the best evidence of the invariable attachment of this Commonwealth to the interests and honour of the Union, yet we cannot resist this favourable opportunity of personally assuring you, that in every measure which tends to advance the national character, you may rely on the zealous co-operation of the executive authority of Pennsylvania.

In discharging the duties of your present important station, it must, sir, be a never-failing source of consolation and support, that the unbounded love and confidence of the people, will produce a favorable construction of all your actions, and will contribute to the harmony and success of your administration. For we know, that eventually your happiness must depend upon the happiness of your country, and we believe that in wishing an adequate execution of your intentions and designs, we comprehend all that is necessary to both.

Uniting, with our sister states, in the admiration of those motives, which at this interesting era of our affairs, have induced you again to relinquish the enjoyment of domestic peace, for a conspicuous and laborious participation in the cares and toils of public life, we fervently pray for the preservation of your health, and we confidently hope that the consummation of a patriot's wishes—the glory and felicity of your country, will crown the period of a long and illustrious existence, and prepare you for the enjoyment of an everlasting reward.

THOMAS MIFFLIN.

Council Chamber.

To which the President of the United States was pleased to return the following answer:

To the President and Supreme Executive Council of Pennsylvania.

GENTLEMEN,

I receive with great satisfaction, the affectionate congratulations of the president and supreme executive council of Pennsylvania on my appointment to the Presidency of the United States.

If under favour of the Divine Providence, and with  
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the assistance of my fellow citizens, it was my fortune to have been in any degree instrumental in vindicating the liberty and confirming the independence of my country, I now find a full compensation for my services in a belief that those blessings will be permanently secured by the establishment of a free and efficient government. And you will permit me to say, on this occasion, that as nothing could add to the evidence I have formerly received of the invariable attachment of your commonwealth to the interests and honor of the union, so nothing could have been more agreeable to me at this time than the assurances you have given me of the zealous co-operation of its executive authority in facilitating the accomplishment of the great objects which are committed to my charge.

While I feel my sensibility strongly excited by the expressions of affection and promise of support, which I every where meet with from my countrymen, I entertain a consolatory hope, that the purity of my intentions, and the perseverance of my endeavours to promote the happiness of my country, will atone for any of the slightest defects which may be discovered in my administration. For, whatever may be the issue of our public measures, or however I may err in opinion, I trust it will be believed, that I could not have been actuated by any interests separate from those of my country.

Suffer me, gentlemen, to conclude by assuring you that I am well pleased with the justice you have done to the motives from which I have acted, and by thanking you for the tender concern you have been pleased to manifest for my personal felicity.

GEORGE WASHINGTON.

The address of the Mayor, Recorder, Aldermen, and Common Council of the City of Philadelphia, in Common Council assembled.

To His Excellency GEORGE WASHINGTON, President of the United States of America.

SIR,

We, the Mayor, Recorder, Aldermen and Common Council of the city of Philadelphia, have assembled, to present you our sincere congratulations on your appointment to the station of President of the United States of America.

We rejoice, sir, that the citizens of America, so long accustomed to claim your services in every hour of public difficulty, have again given the most affectionate and honorable testimony to your distinguished worth, by calling you, with united suffrage, to take the highest seat of power amongst freemen.

When the gloom which overcast the cause of liberty at the opening of the late war, occasioned by the alarm a mighty nation, armed, to suppress the voice of freedom in this infant land, for a moment sunk the spirit of its sons—You, sir, arose! instantaneous confidence possessed the minds of your fellow citizens;—under your auspices—they fought—they bled—and, through unparalleled distress of war—you led them to freedom, the choicest gift of Heaven.

Scarce had that solemn scene passed over, when a triumphant victor returned his sword to the hands of the civil rulers of his country.

Scarce had you retired to the calm retreat of domes-



tic peace, when the civil rule, which we had suddenly established amidst the busy tumult of war, proved unequal to secure the blessings to be derived from a well digested constitution, you, sir, were again called forth, and, presiding over our wisest councils, have handed to your country a system of civil policy, happily uniting civil liberty with effective government.

What then remained undone—is now accomplished:—And you are called to preside in dispensing the blessings of that government, in the forming of which you took so distinguished a part.

May your administration derive blessings to your country, and honor and happiness to yourself.

In the name of the citizens of Philadelphia, we bid you welcome; and assure you, that we, and those we represent, have the warmest personal attachment to you, and shall always rejoice to meet you singly, or connected with the august body over whom you are going to preside.

Signed by order of the Mayor, Recorder, Aldermen, and Common Council of the city of Philadelphia, in Common Council assembled, this twentieth day of April, Anno Domini, 1789.

ALEX. WILCOCKS, Recorder.

#### HIS EXCELLENCY'S ANSWER.

To the Mayor, Recorder, Aldermen and Common Council of the City of Philadelphia.

I consider myself particularly obliged to you, gentlemen, for your congratulatory address on my appointment to the station of President of the United States.

Accustomed as I have been to pay a respectful regard to the opinion of my countrymen, I did not think myself at liberty to decline the acceptance of the high office, to which I had been called by their united suffrage.

When I contemplate the interposition of Providence, as it was visibly manifested, in guiding us through the Revolution, in preparing us for the reception of a general government, and in conciliating the good will of the people of America towards one another after its adoption; I feel myself oppressed, and almost overwhelmed with a sense of the Divine munificence. I feel that nothing is due to my personal agency in all these complicated and wonderful events, except what can simply be attributed to the exertions of an honest zeal for the good of my country.

If I have distressing apprehensions, that I shall not be able to justify the too exalted expectations of my countrymen, I am supported under the pressure of such uneasy reflections by a confidence, that the most gracious Being, who hath hitherto watched over the interests and averted the perils of the United States, will never suffer so fair an inheritance to become a prey to anarchy, despotism, or any other species of oppression.

I thank you sincerely for your kind wishes, that my administration may be honorable and happy to myself and country.

I pray you, gentlemen, will accept, on your own behalf, as well as on that of the citizens you represent, my heartfelt acknowledgments for the polite welcome I have received upon my arrival in your city. In tendering these acknowledgments, I must also desire it may be fully understood, that I entertain the same reciprocal sensations of attachment for the good people of Philadelphia, which they have on all occasions evinced in my favor.

G. WASHINGTON.

To His Excellency GEORGE WASHINGTON, Esq. President and Commander in Chief of the Army and Navy of the United States.

SIR,

We, the Judges of the Supreme Court of the State of Pennsylvania, do most heartily congratulate your accession to the high and important office of President of the United States of America.

We are deeply sensible of what we owe to Almighty

God, for the great deliverance he hath wrought for us by your Excellency, when General and Commander in Chief of the armies of our country, and for having inspired the people with the wisdom of appointing you, by an unanimous suffrage, to the chair of the First Magistrate over them.

The tender regard which heretofore you always paid to the laws and liberties of these states, when you possessed almost dictatorial power, gives us a certain prospect of a mild, legal and upright government. We are duly impressed with the mercies of God in preserving you hitherto, in so many public and private dangers to which your person hath been exposed; and we hope and pray the same Providence will carry you through the great work (which seems reserved for you) of establishing justice, insuring tranquillity, promoting the general welfare, and securing the blessings of liberty and independence to the good people of your native country, and in the latest posterity.

We want words to express our satisfaction on this occasion, and beg leave to assure you of our affectionate attachment to your person, and our best endeavours to render your administration happy and glorious.

THO. M'KEAN, C. J.  
WILLIAM A. ATLEE,  
JACOB RUSH,  
GEO. BRYAN.

Philadelphia, April the 20th, 1789.

#### HIS EXCELLENCY'S ANSWER.

To the Judges of the Supreme Court of Pennsylvania.

GENTLEMEN;

It affords me the most sensible pleasure to be informed, that my accession to the Chief Magistracy of the United States has met the approbation of my fellow citizens in general, and particularly that of the judges of the supreme court of Pennsylvania.

Your recapitulation of the deliverance, in which Almighty God hath been pleased, in some sort, to make use of me as his instrument, ought only to awaken my deepest gratitude for his mercies in the time past, and an humble reliance on them for the time to come.

Feeling how greatly I shall stand in need of the patriotic assistance of every good citizen of America, the confidence they continue to express in the rectitude of my dispositions will always be as it ever has been, an unfailing source of consolation to me, in every hour of difficulty or distress. While the whole course of my past conduct will be a better security for my future transactions, than any verbal assurances I can give, I will only say, that I should find myself singularly happy in contributing to realize the glorious work, which your partiality for me has been indulgent enough to anticipate, of establishing justice, insuring tranquillity, promoting the general welfare, and insuring the blessings of liberty and independence to the good people of our native country, and their latest posterity.

I entreat you to be persuaded, gentlemen, that, although it was with the utmost difficulty I could prevail upon myself to enter again on the stage of public life, yet, since I have done it, the unequivocal encouragement of support, given by the most respectable citizens and magistrates, will tend very much to remove my embarrassments, and, I hope, to open the way for a prosperous administration.

G. WASHINGTON.

To His Excellency GEORGE WASHINGTON, Esq. L.L.D., President of the United States of America, Commander in Chief of the Army and Navy thereof, &c.

The Address of the Trustees and Faculty of the University of the State of Pennsylvania.

Permit, sir, the University of the State of Pennsylvania to join in the general joy, occasioned by your accession to the first office in the Federal Empire. It is by this honor, (the highest that America can bestow) that a grateful people express the affection which your eminent ser-



vices have excited in their bosom. It is this that has given them but *one voice* in their delegation of this important trust, and that unites the homage of the heart with the duty of the citizen. To be the first magistrate of a great empire, is a station that many have attained: but to acquire it by the *unanimous voice of a free people*, is an event in the history of the world, as rare as those illustrious virtues, of which it is the just reward. We rejoice in an event so auspicious to our country:—and we confidently hope, that your endeavors to extend the blessings of good government will be crowned with a success as brilliant as that which distinguished your exertions in defence of our freedom.

As guardians of this University, (which boasts the honor of enrolling the name of your Excellency among those of her sons) we anticipate the encouragement which such institutions will receive under your administration. The influence of sound learning on religion and manners, on government, liberty and laws, will make it a favorite object in every civilized society:—and the *sciences* having experienced your *protection* amidst the convulsions of war, reasonably expect a distinguished *patronage* in the calm of peace.

We devoutly pray the Almighty Ruler of the Universe, that you may long enjoy the felicity of that country which you have rescued from tyranny, and established in the blessings of freedom and independence: and that finally you may meet the reward which awaits his good and faithful servants.

THOMAS M'KEAN, President.

Philadelphia, April 20, 1789.

To which His Excellency was pleased to make the following answer:

To the Trustees and Faculty of the University of the State of Pennsylvania.

GENTLEMEN,

I accept with peculiar pleasure the address of the University of the State of Pennsylvania, upon my appointment to the first office in the union.

Notwithstanding I had most seriously determined never more to take any part in transactions of a public nature, yet a conviction of duty would not suffer me, on the present occasion, to refuse a compliance with the unanimous call of my country.

Nor could I remain insensible to the honor that was conferred upon me by this fresh and distinguished proof of its approbation. Probably my fellow citizens anticipate too many and too great advantages from the appointment. It will, however, be an object indeed near to my heart, to verify, as far as may be in my power, those favorable presentiments, by endeavouring to secure the liberty, and promote the happiness, of the American people.

I am not a little flattered by being considered by the patrons of literature as one of their number. Fully apprised of the influence which sound learning has on religion and manners, on government, liberty and laws, I shall only lament my want of ability to make it still more extensive. I conceive hopes, however, that we are at the eve of a very enlightened era. The same unremitting exertions, which, under all the blasting storms of war, caused the arts and sciences to flourish in America, will doubtless bring them nearer to maturity, when they shall have been sufficiently invigorated by the milder rays of peace.

I return you my hearty thanks for your devout intercession at the Throne of Grace, for my felicity both here and hereafter. May you also, gentlemen, after having been the happy instruments of diffusing the blessings of literature, and the comforts of religion, receive the just compensation for your virtuous deeds.

G. WASHINGTON.

To His Excellency GEORGE WASHINGTON, Esq. President and Commander in Chief of the Army and Navy of the United States of America, &c. &c.

SEN: the standing Committee of the Pennsylvania State

Society of the Cincinnati embrace this opportunity of waiting on your Excellency with their congratulations on your unanimous appointment, by *the People*, to the office of first magistrate of this great empire, it being the strongest evidence of *your* unrivalled merit, and of *their* exalted wisdom. Permit us to express our *peculiar* joy and pride upon the occasion, that *our* beloved General, and the President-General of *our* Society, has received the free suffrage of each of our fellow citizens of these States. We have now the most perfect assurance, that the inestimable rights and liberties of human nature, for which we have toiled, fought and bled, under your command, will be preserved inviolate; and we felicitate our country, that their national safety and dignity are secure, and that they have the best grounded prospects of all that happiness, which a good constitution, under a wise and virtuous administration, can afford. As we have the fullest confidence that our Society, whose basis is friendship and charity, will, equally with others, enjoy these blessings, and partake of your regard, so we beg leave to assure you, that we shall never be wanting in our endeavours to contribute all in our power to your personal comfort and honor, and the prosperity and glory of your government.

Signed by order of the Committee.

THOMAS M'KEAN, Vice President.

Philadelphia, April 20, 1789.

HIS EXCELLENCY'S ANSWER.

To the State Society of the Cincinnati in Pennsylvania.

GENTLEMEN,

The congratulations of my fellow soldiers and faithful followers in the military line of this state, on my election to the chief magistracy of the Union, cannot but be exceedingly flattering and pleasing to me, for my mind has been so deeply affected with a grateful sense of the attachment and aid I have experienced from them, during the course of our arduous struggle for liberty, that the impression will never be effaced.

Heaven alone can foretell whether any, or what advantages are to be derived by my countrymen from my holding the office, which they have done me the honor of conferring upon me, not only without my solicitations, but even contrary to my inclinations.

I promise nothing but an unremitted attention to the duties of the office. If by that attention I may be so fortunate as still to continue to possess the affectionate regard of my fellow citizens, and particularly of that body of which you are the representatives, it will be no small addition to my happiness. The support which they and you have promised cannot fail, under the smiles of Providence, to contribute largely to the accomplishment of my wishes, by promoting the prosperity of our common country. In the mean time I thank you, gentlemen, for the interest you so kindly take in my personal comfort and honor, as well as in the prosperity and glory of the general government.

G. WASHINGTON.

THE RAIL ROAD.—A few days ago, we visited sections Nos. three and four of the Railway between this and Lancaster. About a mile and a half out of the four embraced in the two sections, are ready for the rails, and the spirited contractors (Messrs. Flynn & McGinley) only await the arrival of the bolts and wedges, (which are daily expected) to complete the distance. They are fast laying the blocks on the remainder.

We understand that a mile and a half of the section immediately west of Lancaster is finished.

They have commenced digging trenches on section 2—and in front of our borough and on the inclined plane, they are engaged in the same work.

The Engineer confidently assures us that we shall have an opportunity of visiting Lancaster this season, by the rail-road.—*Columbia Spy*.



CANDIDATES.	N Mulberry	S. Mulberry	U. Delaw're	L. Delaware	North.	High Street	Chestnut.	Middle.	South.	Walnut.	Dock.	Locust.	New Mar't.	Cedar.	Pine.	Total.
ASSEMBLY.																
Samuel B. Davis,	476	318	392	304	294	182	180	315	178	104	179	433	373	363	181	4272
Henry Simpson,	472	309	391	301	287	178	174	317	174	98	177	430	368	361	176	4213
Wm. J. Leiper,	469	314	385	301	297	186	182	317	176	97	186	430	371	360	181	4252
Charles J. Ingersoll,	466	314	384	310	296	185	182	316	171	104	192	431	371	362	179	4263
Thomas S. Smith,	477	318	393	306	294	183	185	315	182	106	181	428	369	361	180	4278
William Stewart,	471	310	389	303	292	181	182	314	174	100	182	438	372	362	179	4249
Joseph H. Newbold,	482	319	396	318	298	187	186	316	183	106	186	438	373	361	184	4333
Abraham Miller,	280	314	296	388	439	331	256	207	322	243	359	348	272	213	334	4602
Wm. H. Keating,	274	310	290	377	434	327	256	205	313	234	359	342	272	215	331	4559
Wm. White, Jr.	267	306	286	375	426	323	255	197	309	231	344	345	269	211	326	4463
John Wiegand,	278	309	289	378	426	323	256	205	302	233	344	344	271	216	327	4508
Davis B. Stacey,	269	310	285	377	434	326	255	204	307	237	351	337	273	212	328	4505
Joseph T. Mather,	274	311	293	389	435	332	256	206	311	236	357	344	271	212	328	4555
Chau'y P. Holcomb,	269	312	285	383	427	319	254	202	302	234	347	337	268	212	331	4482
SELECT COUNCIL.																
Joshua Lippincott,	775	617	681	674	714	492	427	514	482	332	531	774	638	572	505	8699
Wm. E. Lehman,	479	329	398	315	300	188	181	324	186	104	182	437	373	359	188	4343
John Moss,	478	319	397	312	303	188	176	322	185	105	189	433	371	358	188	4324
Henry G. Freeman,	472	324	392	303	296	185	174	320	173	100	174	430	371	358	186	4258
Richard Price,	272	313	291	378	425	322	255	203	316	247	359	351	269	218	319	4538
Wm. M. Meredith,	271	312	281	371	423	322	255	198	311	238	352	347	269	217	324	4501
Washington Jackson,	271	311	286	377	426	321	257	200	303	237	350	340	268	216	320	4483
COMMON COUNCIL.																
Isaac Wainwright,	478	332	401	308	301	190	181	315	188	102	189	447	378	369	190	4369
John M. Hood,	473	328	389	304	303	183	180	312	181	98	182	437	375	367	188	4300
Lewis Ryan,	475	330	398	307	303	187	183	314	191	103	189	443	376	370	193	4359
George W. Tryon,	475	330	402	307	299	188	180	315	186	99	186	446	379	370	193	4359
John Troubat,	470	330	398	305	298	186	180	314	182	100	183	437	377	365	187	4312
Michael Baker,	476	322	389	303	300	181	184	307	178	102	181	438	373	365	191	4290
Silas W. Sexton,	476	329	391	303	301	182	182	313	182	99	181	440	376	370	180	4315
Evans Rogers,	475	332	403	308	300	189	183	314	189	102	186	448	378	369	191	4367
James Fearon,	473	328	398	304	297	188	180	314	186	99	185	445	378	366	190	4301
William Geisse,	472	330	399	306	298	186	180	313	184	101	183	442	376	364	188	4322
John T. Sullivan,	468	322	392	300	296	180	173	311	176	96	170	432	372	362	184	4234
John Horn,	473	328	396	302	296	184	177	313	184	99	181	447	377	365	188	4310
John Crean, Jr.	473	327	390	302	299	182	177	312	179	98	179	440	375	366	186	4285
S. J. Henderson,	475	326	389	300	297	181	180	312	183	99	182	436	374	364	189	4275
John Bell,	473	330	395	302	297	185	180	314	184	99	184	444	377	367	187	4318
Lewis Taylor,	471	330	398	306	298	184	179	313	185	99	183	443	377	367	187	4320
Peter Fritz,	476	323	390	283	302	180	178	313	175	98	176	433	372	359	187	4250
Joseph Winters,	475	327	389	299	297	181	179	312	178	97	178	435	373	363	186	4269
William Camm,	478	327	390	305	304	180	180	313	180	98	179	438	374	366	189	4301
James Andrews,	473	331	399	306	298	192	181	315	184	99	182	437	377	369	189	4322
Henry Troth,	275	309	290	382	431	327	253	209	312	238	363	344	261	211	323	4528
Joseph B. Smith,	268	307	294	378	419	321	255	197	302	236	353	338	255	209	320	4452
Peter Wright,	270	310	291	387	420	327	251	199	307	240	362	347	261	210	314	4496
Robert M' Mullin,	270	308	287	378	416	326	253	199	303	237	354	340	258	212	322	4463
John Gilder,	268	314	290	383	422	324	256	198	311	238	356	339	261	210	320	4490
Benjamin H. Yarnall,	268	308	284	380	425	321	249	197	309	233	356	339	257	208	320	4454
John Byerly,	270	308	287	375	421	322	255	200	302	237	352	338	254	207	322	4450
John S. Warner,	269	309	294	382	430	327	254	201	310	239	359	345	261	209	320	4509
Thomas Firth,	271	307	289	376	425	326	253	200	307	238	357	341	259	210	321	4481
Dr. George S. Schott,	270	308	285	376	430	323	255	198	307	237	355	339	259	206	322	4470
John Darragh,	270	307	286	392	423	323	254	199	301	235	356	337	257	205	320	4465
Robert Toland,	275	310	288	380	431	323	258	201	306	239	357	341	259	210	323	4500
Dr. R. M. Huston,	270	309	287	380	426	324	254	199	309	236	357	339	260	210	323	4479
Thomas Lancaster,	270	311	295	383	427	328	256	201	314	239	361	347	263	221	323	4530
William Montelius,	273	311	295	381	427	329	257	202	309	238	359	347	262	212	324	4526
Joseph R. Chandler,	267	307	282	372	423	322	256	198	300	234	350	338	257	211	321	4438
Enoch Robbins,	269	310	286	378	423	323	253	199	301	235	353	338	258	206	318	4450
James Hutchinson,	272	309	294	382	423	329	255	201	310	238	358	347	263	212	318	4511
Charles H. White,	269	310	294	381	426	327	255	200	310	239	356	346	262	211	321	4507
William Kirk,	270	307	287	376	422	321	254	198	302	236	350	339	257	209	318	4446
COUNTY COMMISSIONERS.																
William Ruff,	478	323	381	294	313	186	176	318	179	111	174	435	348	360	180	4256
Jacob Gardner,	257	304	297	385	411	317	255	202	304	227	351	344	276	212	329	4471
AUDITOR.																
Dr. Joseph Moore,	494	312	376	300	290	178	170	313	169	99	170	425	352	359	180	4187
Wm. J. Bedlock,	240	321	290	383	426	323	258	206	311	240	349	347	269	213	324	4500



CANDIDATES.	N. Liberties.	Unincorporated N. L.	Spring Garden.	Penn Township.	Roxborough.	Germanatown.	Oxford.	East Kensington.	West Kensington.	Bristol.	Byberry, Moreland, & Lower Dublin.	Blockley.	Kingessing.	Moyamensing.	Southwark.	Passyunk.	Total.
SENATOR.																	
Geo. N. Baker,	1965	93	904	164	148	420	142	233	262	85	197	166	88	518	1218	116	6720
James Hanna,	1528	47	655	59	189	334	155	147	228	103	147	156	45	188	901	73	4755
Joshua Johnson,	22	0	25	0	0	0	0	84	11	0	11	1	1	1	13	0	170
ASSEMBLY.																	
Frs. J. Harper,	1883	86	879	171	154	463	153	224	265	84	204	169	87	527	1221	119	6689
J. Rheiner, jr.	1847	92	871	158	153	456	146	227	268	84	198	168	87	531	1223	119	6628
Jas. Goodman,	1780	87	863	163	151	439	146	218	262	84	199	169	87	525	1219	118	6530
Peter Rambo,	1822	91	875	170	154	462	147	218	255	84	196	168	87	529	1219	119	6596
W. H. Stokes,	1855	90	873	170	154	472	145	224	266	82	180	168	87	532	1222	119	6639
L. Paynter,	1873	91	874	171	154	462	145	224	269	84	198	168	87	531	1220	119	6670
Thomas Guirey,	1840	91	867	170	152	458	146	219	266	84	195	168	87	509	1214	114	6578
Thomas J. Heston,	1891	91	873	169	151	461	146	223	270	84	190	173	87	529	1220	119	6677
Benj. Matthias,	1468	48	703	63	186	288	152	145	230	109	154	157	51	174	919	70	4917
John Thompson, p.	1495	48	700	63	186	287	148	149	229	108	154	157	50	174	999	70	4518
Wm. Fitler,	1416	48	696	61	186	286	147	143	233	106	149	154	45	178	920	70	4838
John Wister, jr.	1428	48	694	61	185	282	150	146	230	107	150	152	45	174	920	70	4842
Joseph Plankinton,	1399	48	694	60	185	286	152	146	224	106	146	153	45	174	919	70	4807
Joseph Trasel,	1429	48	693	62	185	287	149	141	227	109	135	148	47	173	919	70	4822
T. M. Hubbell,	1377	48	693	61	185	286	150	145	226	106	149	152	45	192	923	69	4807
J. H. Gibbon,	1402	49	695	62	186	286	154	146	224	106	171	148	45	176	917	70	4837
Levis Passmore,	57	0	8	0	0	0	2	0	0	3	5	2	6	2	0	0	85
Jonathan Thomas,	57	0	7	0	0	0	2	0	0	3	9	0	4	0	0	0	82
Isaac Bedford,	79	1	33	0	0	0	1	102	16	3	11	1	5	5	14	0	270
Samuel M. Lynn,	54	0	7	0	0	0	0	0	0	3	5	0	5	0	0	0	74
John Redinger,	51	0	7	0	0	0	1	0	0	3	5	0	5	2	0	0	74
John Rambo,	29	1	24	0	0	0	0	125	20	0	8	1	0	2	13	0	223
Cornelius Dungan,	26	1	23	0	0	0	0	102	19	0	7	1	0	2	13	0	194
Thomas Earle,	37	0	24	0	0	0	0	98	14	0	8	1	0	2	17	0	201
James Gregory,	26	1	24	0	0	0	0	100	15	0	8	1	0	0	15	0	190
Charles Springer,	26	1	24	0	0	0	0	101	14	0	8	1	0	2	13	0	190
William Lancaster,	25	2	23	0	0	0	0	101	15	0	7	1	0	2	16	0	193
Edward Vansant,	26	1	23	0	0	0	0	101	15	0	58	1	0	2	13	0	240
John Thompson,				0	0	0	0	0	0	0	0	0	0	0	425	0	425
Scattering,			1	11	0	0	0	0	0	0	0	0	0	7	0	6	25
AUDITOR.																	
Dr. Jos. Moore,	1874	90	858	161	138	398	145	209	265	80	207	163	88	528	1210	119	6538
Wm. J. Bedlock,	1369	49	702	63	193	342	148	116	219	108	133	153	45	177	895	69	4781
George Brewer,	49	0	27	0	0	0	0	137	14	0	6	1	1	3	14	0	252
J. Thompson, (S)	60	0	7	0	0	0	0	0	0	3	4	1	3	0	0	0	78
Scattering,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
COUNTY COMMISSIONER.																	
Wm. Ruff,	1905	86	867	139	155	406	150	333	270	86	230	174	86	547	1263	121	6820
Jacob Gardner,	1428	52	732	97	192	337	149	138	235	107	133	151	51	162	873	67	4904

## STEAMBOAT NAVIGATION.

The undersigned Committee appointed at a meeting of the citizens of Harrisburg, Pa., report the following

## ADDRESS

TO THE CITIZENS OF THE UNITED STATES.

Acting under the instructions of a meeting of the citizens of Harrisburg, at which the undersigned were deputed for the purpose, we respectfully ask your attention to a few remarks, upon a work of great national importance. The construction of a sloop and steamboat navigation from the Ocean to the Lakes by way of the Susquehanna. We have reached an important crisis in our national history. The United States are free from debt; an immense and increasing revenue is at our disposal. It is useless to say, that this revenue will be lessened by reductions in the Tariff; experience has shown that reduction in rates of duties on imports lead

to such increased importations, as go to swell the receipt at the Treasury to still greater amounts. In such a condition of national prosperity as we now find ourselves, what direction does common sense say shall be given to our surplus funds? What course does public opinion point out? It is plain and unerring. It has been evinced upon every occasion, where the voice of the people has been heard. It has by legislative action, become part of the law of the land. *To the construction of works of Internal Improvement.* If the bonds cemented by the blood of our fathers, have become relaxed by the effects of sectional prosperity or sectional adversity—the true policy of every lover of his country will be to aid in every measure which tends to equalize the advantages which lead to the former, and neutralize the disadvantages which grow out of the latter. The only way to do this effectually, is to bring remote sections together—to give an impulse to the great arteries of our political system, by which the general health may be preserved and main-



tained. The chain of immense inland seas, upon our northern frontier, which undoubtedly will become at on very distant day, the nucleus of a population even superior in numbers to the fairest portion of modern Europe, having unfortunately no outlet within our borders, must of necessity, first claim the attention of the nation. The immense importance of a sloop and steamboat connexion with the Atlantic, is seen at a glance. By the silent but rapid steps of a rival power, in the improvement of the noble outlet of the St. Lawrence, England having the entire control thereof, may, at the approach of another war, suddenly concentrate the smaller vessels of her navy, in such numbers, as to throw into the Lakes a force sufficient to sweep the stripes and stars from Ontario to Superior. It is, perhaps, not generally known that by means of the Rideau and Welland canals, the St. Lawrence furnishes a ready communication between the chain of Lakes and the Ocean. Ships of the larger class can approach as far as Montreal; from thence a canal seventy feet wide and within ten feet of water, for the special conveyance of steamboats and sloops, in conjunction with a slack water navigation entirely within the Canadian territory, leads directly to Lake Ontario. Our transportation upon the Lakes will ere long be chiefly performed, by means of the splendid steamboats which are already fast supplanting every other mode of conveyance; with nothing to defend these but an occasional revenue cutter, they will become the easy prey of a sudden invasion and furnishing transports for the armies of an enemy, move them with rapidity, from point to point, and thus easily subjugate the country. Does not the want of such a communication with the Ocean within our own territory, invite aggression? Does it not become our statesmen to look to it? How could there be imagined a firmer safeguard than an immediate and direct steamboat communication with Hampton roads, a central harbor so nobly fortified—the naval establishments at Gosport—at Washington, and (through the Delaware and Chesapeake canal,) with that at Philadelphia. A communication so direct and safe, that considering the infancy of steam power, and the improvements making every day, it is quite probable, that sloops, men, and munitions of war, could be safely conveyed from the Ocean to the Lakes in two or three days. But it is not for warlike uses that the greatest benefits will flow from this important work—whether the Canadas remain as now, the provinces of a rival power, or form a part of our great confederacy, the advantage of a connexion with the southern states, and a southern outlet to the trade of the lakes are so great as to be incalculable. The alluvial formation of Virginia, the Carolinas, Georgia, and Florida, is so favorable to the construction of rail roads and canals, that such communications are already projected, as will permanently unite and connect every principal point of the Atlantic division of those states; a connexion of these improvements, with the Attamatox, Nausemond, and Elizabeth; southern extension of James river, or with works connecting therewith, will form a bond of internal communication from one extremity of the Union to the other, so firm and beneficial in its nature, that one universal flow of prosperity will hush forever the crimes of disunion and secession. But it is not alone the states of the Atlantic frontier, that will be benefitted by this great national work: by connecting the waters of the Illinois with the southern extremity of Lake Michigan, a work already laid out by the hand of nature, new avenues will be opened to the trade of the young and rising states of the Mississippi and Missouri, which will tend materially to the general weal.

What argument can be used against the immediate commencement, by government, of the construction of a sloop and steamboat navigation from the head of the tide on the Susquehanna to Sodus bay? Does not Congress possess the power to grant appropriations for the purposes of internal improvement? It has been decided in hundreds of instances in the affirmative. Has not

Congress the means at its disposal? The treasury is overflowing—absolutely overflowing. Is not the work practicable? What currents in the Susquehanna can compare with the Long Sault, or with the most insignificant rapid of the Uttiwas, that have been overcome by the Rideau canal before alluded to?

The Susquehanna has been professionally examined, and in two instances the improvement thereof pronounced to be within the means and power of the operations of a single state. The surplus revenue of the general government, for a single year, will, it is supposed, be amply sufficient for the construction of this great national work. The money expended in the conveyance of troops, ordnance, &c. to the lakes, during the late conflict with Great Britain, would have completed it.

It is needless, fellow citizens, to waste words upon this subject. We conceive that its importance must strike every patriot and friend of his country, and his country's interest, with peculiar force; we wish to rouse the general attention of the citizens of the United States and excite a general action. There is not a city nor a hamlet—a county nor a township, within the wide ranges of the waters of the northern lakes; upon the extensive and various ramifications of the branches of the Susquehanna and the Delaware—the Potomac and the Chesapeake, but would have most substantial reasons to bless the day, when this great work was accomplished. We earnestly desire every one to speak out—to memorialize Congress upon this subject, urging the immediate commencement of the work, by an order for surveys and estimates. There is no time to be lost—let the people speak—they must be heard, and in a country and under a government like ours, their will obeyed,

Valentine Hummel,  
Joel Bailey,  
Henry Buchler,  
Henry K. Strong,  
Geo. W. Harris,  
Henry Walters,  
Frederick Kelker,  
David Krause,  
Frederick Heisely,  
Jacob M. Haldeman,  
Daniel Stine,

John C. Bucher,  
Henry Crangle,  
Dr. A. S. Dean,  
John Geiger,  
Samuel Pool,  
Peter Brua,  
Obed Fahnestock,  
William Duck,  
Charles C. Rawn,  
Mordecai M'Kinney,

The undersigned committee, appointed at a meeting of the citizens of Harrisburg, Pa. to draft a petition to Congress, on the subject of a steamboat navigation from the Atlantic to the Lakes; report the following

#### MEMORIAL.

*To the Hon. the Senate and House of Representatives, of the Congress of the United States.*

The petition of the subscribers, citizens of Pennsylvania, respectfully represents:

That the various internal improvements, which have been constructed, and which are in the course of execution, in many sections of our country, have naturally directed the attention of the public to this important means of improving the condition of the citizens of this Union. The canals and rail roads, and improvements by slack water, which have already been constructed, have in most instances, conferred important benefits upon the community, within the sphere of their influence. The advantages resulting from them, have excited a desire in many of our fellow citizens, that a portion of the funds of the general government, should be applied to similar objects. The extinguishment of the public debt will soon leave a large amount of money at the disposal of Congress. It cannot be desirable that the immense revenue of the government shall remain in the treasury, but rather that it should be expended, as it arises in a manner most conducive to the public good.

Believing that the interest of the public generally, requires the application of a portion of this revenue, to internal improvements, we submit to the consideration



of Congress, two projects, which we consider to be deeply interesting to a large portion of the Union; and eminently entitled to be considered as national improvements. These improvements are the construction of a Steamboat Navigation, between the seaboard and the lakes, from the Chesapeake bay, up the Susquehanna river, and through the Seneca Lake, and Oswego river to lake Ontario; and a similar connexion between Michigan lake and the Illinois river. The construction of these improvements affect a circle of inland steamboat navigation, of several thousand miles in extent. They would be highly beneficial to many of the states, and of immense national importance. The completion of the Rideau canal and slack-water navigation, extending about 270 miles, from Kingston to Montreal, a communication navigable for steamboats and sloops—and of the Welland canal around the Falls of Niagara, have not only diverted from our own seaboard, the productions of our own territory, but have peculiarly exposed our Northern frontiers, in the event of a war with Great Britain. Through these improvements, that power will have the means of concentrating a large naval force upon the lakes. Some counteracting improvement should be executed, which will enable our own government to meet the enemy, in the event of a war; and which will also retain the trade of our western states. The expense of erecting a sufficient number of vessels, necessary in the emergency of war, upon the lakes, will be very considerable; and they will be of little use in a state of peace. The Susquehanna river affords the means of effecting such a communication, at an expense, by no means considerable, when compared with the immense resources of the general government. Of the practicability of the improvement of the Susquehanna, for steamboat navigation, no question exists. The explorations of engineers, under the authority of Pennsylvania and Maryland, establish such practicability, at a moderate expense, when considered in reference to the magnitude of the improvement. The Susquehanna affords a sufficiency of water, as far North, as the New York line—the distance thence to tide-water, is about three hundred miles. The fall, in this distance, is between 7 and 800 feet—about 200 of which is between tide-water and the head of the Conewago Falls, a distance of about 57 miles. The Welland canal overcomes a rise of about 360 feet, in 38 miles. If a slack-water navigation cannot be made at a reasonable expense along the whole distance between Middletown and tide, of which however, little doubt exists, a steamboat canal can readily be made, at such points, as may be necessary. No obstacles to improvement by slack water, exists between the Conewago Falls and the New York line. The Seneca lake and the Oswego river, afford the means of communication with lake Ontario,—or if it be considered important, that the improvement should be effected entirely within our own territory, a steamboat canal may probably be constructed, direct from Geneva to Buffalo, or the Erie canal enlarged, to answer the purpose. And as to the Western improvement, but little difficulty exists—the summit level between Michigan lake and the Illinois river, being but 12½ feet high, presents but an inconsiderable obstacle to the execution of that part of the project.

The extent of country interested in these two improvements, embraces probably more than half of the Union. No other improvements within our country can be projected, which will be so extensively useful. As a bond of union between the East and the West, the North and the South, they will be of the utmost importance. The extensive internal trade, which will float upon them, will tend to bind together the remote sections of our country, by the tie of common interest. In time of war, they will afford the opportunity of concentrating the national force wherever required; they will ameliorate, and in a great degree tend to equalize the condition of the people in the different sections of our country, by affording to all, the means of a cheap

and speedy conveyance to market, and for receiving, in return, the various productions of our own and of foreign lands. The commerce of our western states will have a passage to market, entirely within the territory of their sister states; and the productions of the great west will be secured to our atlantic cities, instead of passing into the dominions of our rival. The extensive deposits of anthracite coal, which have as yet been discovered only within the limits of Pennsylvania, and which exist in immense quantities, along the Susquehanna render the Eastern improvement of great importance, to at least one half of the states of the Union. This advantage cannot be obtained by effecting the connexion, between the ocean and the lake, through the North River. That river moreover is not so central to the Union, as the Susquehanna, and the point of connexion, with the St. Lawrence, would be greatly exposed to the enemy. The Rideau and Welland canals, constructed by our Canadian neighbors, are about 300 miles in length. The state of Pennsylvania alone has expended, upon her improvements, money in all probability, sufficient to execute the improvements, now projected. To the general government, our citizens confidently look, for the improvement of the great channels of intercourse, the cost of which is too considerable for the means of the state individually, or which are important to several states; or to the nation generally. Deeming the improvements, now petitioned for, as works of a national character, we pray for their execution, with the funds of the nation; and ask that Congress will immediately make an appropriation for the purpose; or have such surveys or estimates made as will enable your honorable bodies to act definitively, in relation to them, at the next session,

And we will ever pray, &c.

Valentine Hummel,  
Joel Bailly,  
Henry Buehler,  
Henry K. Strong,  
Geo. W. Harris,  
Henry Walters,  
Frederick Kelker,  
David Kruse,  
Frederick Heiseley,  
Jacob M. Haldeman,  
Daniel Stine,

John C. Bucher,  
Henry Crangle,  
Dr. A. S. Dean,  
John Geiger,  
Samuel Pool,  
Peter Brua,  
Obed Fahnstock,  
William Duck,  
Charles C. Rawn,  
Mordecai McKinney.

From the Philadelphia Gazette.

#### PROCEEDINGS OF COUNCILS.

Friday evening, October 8, 1833.

The following communication from the Treasurer of the Girard Trust, was received and laid on the table:

*Treasurer's office of the Girard Trust.*

To the President and Members of the Select Council.

Gentlemen,—I herewith present to Councils, an account of receipts and payments of the Girard Trust, for the quarter ending on the 30th of September, 1833—by which you will find that \$64,858 44 cents, have been received for interest and dividends, on loans and stock, that \$15,018 32 cents, have been received for rents of real estates, during the quarter, and that \$29,239 15 cents, has been paid towards the construction of the Girard College; \$1650 for annuities; \$1279 77 cents for incidental expenses, including salaries for the officers of the Trust; and \$12 100 56 cents, for repairs and taxes on real estates during the same period of time. The amount of rent due on the last quarter, (from the 1st of April to the 1st of July, is \$153 10 cents.

It is with much pleasure I inform Councils, that under the very judicious agency, of the real estate, all the houses, vacant lots, and farms, in the city and county of Philadelphia, belonging to this estate, are rented to



good tenants (with few exceptions) and at fair rates, and but one house vacant, (of which the city corporation have possession (in the whole estate.)

I have also to inform you, that the Executors of Stephen Girard, passed over to me on the 15th inst., a certificate for 100 shares of stock in the Philadelphia Exchange Company, the par value of which is \$10,000. All of which is respectfully submitted by your obedient servant,

BRITAIN COOPER, Treasurer.

On motion of Mr. Wetherill, the Select Council concurred in a resolution of Common Council, respecting the petition of Samuel Guss, and Messrs. Wetherill and Lippincott, were appointed a committee on the subject.

The subjoined communication from the committee on Scott's Legacy, was received and laid on the table:—

To the Select and Common Councils of Philadelphia.

The committee charged with the management of the fund, left by the late John Scott, of Edinburgh, to the corporation of Philadelphia, for rewarding the authors of useful inventions and improvements, offer the following report:—

Premiums have been awarded,

1. To N. C. Barrabino, M. D. of Philadelphia, for an improvement in the stomach pump—a Medal and Twenty dollars.

2. To Samuel D. Breed, of Philadelphia, for his discovery of the means of cementing leather soles, on the outside of gum elastic or caoutchouc shoes and boots as a substitute for pegging or sewing—a Medal and Twenty dollars.

Mr. Groves offered the annexed resolution, which was laid on the table.

Resolved, That a committee of three members of the Select, and three members of the Common Council, be appointed to take into consideration and report on the propriety of erecting a depot and Market house on the public square at the intersection of High and Broad streets.

#### COMMON COUNCILS.

The President submitted a communication from the City Commissioners, enclosing a printed statement of their expenditures and receipts for Market Rents, &c. during the third quarter of this year, and also of the expense of new paving and repaving in the middle district to the 30th inst. Also, an account of the appropriations overdrawn—as follows:—

Appropriated. Expended. Overdrawn.

No. 3. Cleansing the city	\$18,000		
Received for sales of street dirt	3,400		
	21,400	\$30,029 12	\$8,269 12
No. 4. Docks and Sewers	\$5,000	5,611 38	611 38
No. 14. City Property	\$11,000	34,040 65	23,040 65

The communication was referred to the Committee of Ways and Means.

The President submitted a communication from R. H. Smith, City Clerk, enclosing a statement of his receipts for entries of hackney coaches, carts, drays, &c. and also of his payments to the City Treasurer for the third quarter of the year. Referred to the Committee of Ways and Means.

Dr. Huston, from the joint committee to whom was submitted the resolution relative to appropriating \$40,000 from the Funds of the estate of Stephen Girard for the improvement of City property, reported in favour of the resolution, and the report was adopted. In Select Council the resolution was amended by the following substitute, which was afterwards adopted by Common Council.

Resolved, that the report and resolution be referred to the Committee of Ways and Means, with instructions to bring forward an ordinance appropriating \$40,000 from the funds of the estate of Stephen Girard, for the specific improvement of the City Property, in accordance with the special provisions of the Will.

The supplementary ordinance relative to Wills' Hospital was agreed in Common Council, by the casting vote of the President, so that the choice of the Trustees shall devolve upon both Councils in joint ballot. Select Council refused to concur and appointed Messrs. Meredith and Price a committee of Conference. Common Council refused to recede, and appointed Messrs. Toland and Gilder, a Committee of Conference. The Committee reported that they could not agree, and the ordinance remains unacted upon.

Mr. Chandler offered a resolution that the Library Committee be instructed to enquire into the expediency and practicability of preparing a new digest of the City Ordinances. Adopted.

Mr. Gilder, called up an item of unfinished business relative to the opening of Cherry street, from Schuylkill 5th street to the river Schuylkill, which was adopted, and concurred in by Select Council.

Mr. Chandler offered a resolution that the Market Committee be directed to enquire into the expediency of erecting a new Market House, in the eastern part of the city, and if their opinion be favourable to designate the place of location. Adopted.

Messrs. Neff, Worrell and Meredith, of the Select and Messrs. Gilder, Montelius and Lancaster, of the Common Council, were appointed a Committee on the Delaware Avenue.

From the Ravenna, (O.) Courier, Sept. 27.

#### REPORT

Of the Ohio Canal Commissioners to the Legislature of Ohio, in relation to the Pennsylvania and Ohio Canal.

The survey and location of so much of the route of this proposed canal, as is within the limits of this state, was commenced by Sebried Dodge, Esq. in the month of October, and finished in the month of December last.

From the experience which Mr. Dodge has had, as an engineer for three years past in the actual construction of part of the Ohio canal, as well as from his science and intelligence, the Board are warranted in placing full confidence in the general correctness of his examinations, plans, and calculations. The shortness of the time employed in these surveys precluded the possibility of ascertaining, with minute accuracy, all the topographical facts of minor importance connected with the location. Still, however, enough has been ascertained to determine the practicability of the proposed work, and to afford data for estimates on its cost, which cannot vary very materially from the truth.

The route within this state has been found fully as favorable as was anticipated; and it has been ascertained beyond doubt that the summit, as well as the lower levels can be abundantly supplied with water.

Commencing at the village of Akron where the proposed canal will unite with the Ohio canal in a large and commodious basin, the line pursues an eastwardly direction, crossing the Little Cuyahoga in the village of Middlebury; thence in a northwesterly direction through the township of Tallmadge, until it approaches near the main Cuyahoga at the centre of north and south road in the township of Stow, thence continuing nearly the same general course along the south and southeast bank of that river until it passes the village of Franklin, it enters the immediate valley of the Breakneck creek or south branch of the Cuyahoga, and passing up that valley in an eastwardly course, it crosses the summit between the waters of the Cuyahoga and Mahoning Branch of Big Beaver about half a mile southeast of the village of Ravenna. The line then descends rapidly into the valley of the west branch of the Mahoning river,



crosses that stream near its southwesterly bend, continues along its north bank re-crossing that branch and also the south or main branch, a mile above the junction of those streams, then leaving the immediate neighborhood of the river, the line pursues an eastwardly course, again approaching the river opposite the village of Warren, and thence continues in the immediate valley of the river on the right bank, in a southeasterly direction to the line between the state of Ohio and Pennsylvania.

Some deep cutting occurs in the swamp near the village of Middlebury: the whole extent in length which exceeds proper cutting is upwards of a mile—the average depth about 12½ feet. An embankment of considerable magnitude is necessary to sustain the level of the canal across the valley of the Little Cuyahoga in the village of Middlebury. The greatest elevation of this embankment is twenty feet to bottom of canal, the whole will contain about 34,000 cubic yards.

The object in view in the location of this part of the line, was to adopt such a level as would preserve a proper medium between excessive deep cutting on the one hand, and of too high an embankment on the other; one or both of which difficulties, to a greater or less extent, it is necessary to encounter.

After leaving the village of Middlebury, the line passes over a tract of uneven and in some places steep siding ground for about one and a half miles, requiring some deep cutting and a considerable number of embankments across ravines or on side hills. The earth is however of a character to be easily removed, and is of a good quality for canaling.

Continuing thence northeastwardly, the face of the country and elevation are remarkably well adapted to make a cheap and safe canal, until the line approaches the Cuyahoga in Stow. Between Stow and Franklin, the line passes along a side hill sloping northwardly toward the river; in some places steeper than could be desired, in others nearly level, or sloping so gently as to present a very favorable location. This part of the line is intersected by several ravines, two or three of which are of considerable depth, and one, the valley of Plumb creek, is six chains in breadth, requiring a large embankment.

Near the village of Franklin a small amount of sandstone rock excavation will occur. As the slope of the ground is here very gentle, affording an opportunity of choosing the location, a large amount of rock excavation may be avoided, although the rock approaches near the surface.

It is proposed to cut down the summit near Ravenna, twenty-seven feet at the highest part of the ridge. The whole extent of the deep cut at this place will be sixty-six chains in length, and its average depth below the natural surface seventeen feet and eighty hundredths. As the length of the deep cut is not great, and the earth appears favorable for the operation, it is even questionable whether good policy would not require reducing the summit level still lower. Every foot of reduction in the elevation of the summit will of course save double that amount of lockage, will aid the supply of water by diminishing the expenditure, and will afford greater facilities for the construction of feeders and reservoirs.

The only difficulties encountered between the summit level and the state line worthy of notice, are the wash banks which the river on one side, and the hill or table land on the other, render it impossible to avoid. These banks necessarily enhance the expense of construction and increase the danger to which the canal will be exposed when made. The aggregate length of these banks is not greater than must ever be expected in following the valleys of rivers—nor is their character peculiarly unfavorable. It is estimated that the united length of banks requiring to be protected against the current of the river will be two miles forty-seven chains.

It is proposed to supply the summit level of the canal with water by the following means:

1st. *By a Feeder from Breakneck creek.*—This stream may be introduced by a feeder of three miles six chains

in length, and is sufficient for the supply of the summit level and the contiguous levels, in ordinary seasons, during more than one half of the year. In the dryest seasons, when the flow of water is reduced to the least quantity, it yields about two hundred and forty cubic feet per minute. The quantity of water in this stream may be considerably increased during dry seasons, by using the lake at its head as a reservoir, retaining its waters in the wet season and letting them flow in the dry.

2d. *By forming reservoirs of four lakes or ponds near the summit.*—These bodies of water, Muddy Pond, Sandy Pond, Brady's Lake, and Lake Pippin, may be easily converted into valuable and convenient reservoirs for the supply of the summit and the adjacent levels. The two former will contain an area of about two hundred and forty acres, when the water is raised to the contemplated height. Water to the depth of twenty feet, or even more, may be accumulated, retained, and drawn off from these ponds for the use of the canal, and conducted into it by means of a feeder of seventy-eight chains in length. A depth of eight or ten feet of water on the area of Brady's Lake and Lake Pippin, may be made available to supply the canal in dry seasons. These two lakes will together contain an area of about two hundred and seventy acres. The two former ponds may be filled with water to any desirable height, by conducting a branch of the Breakneck into them by a short feeder, and the two latter by means of the proposed feeder from the main Cuyahoga.

It is computed, that three hundred and twenty-five million cubic feet of water may be reserved for use in these reservoirs, which will admit a uniform flow into the canal of upwards of eleven hundred cubic feet per minute, for two hundred days before it will be exhausted.

3d. *By a feeder from the main Cuyahoga.*—The waters of the main Cuyahoga may be conducted into the summit level of the canal by a feeder of seven miles sixteen chains in length. The quantity of water running in the river at the place whence this feeder is to be taken, may be computed at from 2,800 to 3,000 cubic feet per minute in the dryest season.

Although the waters of the main Cuyahoga alone are probably sufficient to supply the summit level of the Canal and the lower levels dependant on receiving a supply from the neighborhood of the summit, still it is desirable to draw only so much water from the Cuyahoga as may be absolutely necessary, and to rely as much as possible on the other sources. Vast injury must result to the owners of mills, manufactories, and mill privileges, and to the country, to which the water power of the Cuyahoga is of incalculable value, from diverting into any other channel a considerable portion of its waters in dry seasons. In descending eastwardly, from the Ravenna summit, a small supply of water may be obtained from the west branch of the Mahoning, about three miles from the summit; and as the canal descends the valley of the stream, its accumulated waters, with that which has escaped from the canal by leakage, may be brought into the canal. About twenty miles eastwardly from the summit, it is supposed that a feeder from Silver creek, the most durable branch of the Mahoning, may be introduced; and at Warren the whole volume of the Mahoning river, in dry seasons, may be brought into the canal, if desirable.

By an economical and proper use of the means of supplying the canal with water, above described, it is confidently believed that it will not be necessary to divert from their natural course any considerable part of the waters of the Cuyahoga.

The length of the line of this canal, as located within the state of Ohio, is as follows:

From Akron (Portage Summit of the Ohio canal) to Ravenna Summit

22 miles 79 chains.



From Ravenna Summit to Warren	23 miles 16 chains.
From Warren to Pennsylvania line	24 miles 58 chains.
Total length canal line	75 miles 73 chains.

## LENGTH OF FEEDERS.

Cuyahoga Feeder	7 m 16 ch	
Muddy and Sandy Ponds, Feeder	78 ch	
Breakneck Feeder	3 m 06 ch	
Warren Feeder	12 ch	
Total		11 miles 32 chains.
Aggregate length of Canal and Feeders		87 miles 25 chains.

The estimated cost of canal and feeders is as follows.

Cost of main canal from Akron to the Pennsylvania line	\$683,762 60
Feeder from the main Cuyahoga, including reservoirs at Brady's Lake and Lake Pippin	56,932 95
Reservoir and Feeder from Muddy and Sandy Lakes	20,249 95
Feeder from the Mahoning at Warren	4,031 00
Breakneck Feeder	5,397 10

Aggregate cost of canal, reservoir, and feeders,	\$764,372 98
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The foregoing estimates were made under the immediate inspection and advice of the principal engineer. The amount includes ten per cent. on the nett estimate for unforeseen expenses, and it is believed will fully cover the actual expense of the work.

The total ascent from the Portage to the Ravenna Summit, is	101	feet.
Total descent from the Ravenna Summit to the Penn'a line, is	213	13-100ths feet.

Whole amount of Lockage,	313	13-100ths feet
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To overcome this rise and fall, there have been located 36 locks, of which 11 are west and 25 east of the Ravenna Summit.

Of the commercial importance of this canal when finished, no doubt can be entertained by those who understand the interest and geography of our country. The route passes through one of the most wealthy districts of our state; and when executed, it will, together with the Ohio canal, open a direct and convenient channel of commerce between the interior of Ohio and the great manufacturing and commercial city of Pittsburg, together with the whole of west Pennsylvania. Between these sections of country an extensive and highly beneficial commerce now exists, which must increase with the growing population of our common country, and with the development of its resources.

It is however only by looking forward to the time when the great Pennsylvania canal, in the construction of which that state is now engaged, and the contemplated Chesapeake and Ohio Canal shall have connected the Chesapeake with the Ohio river, the Potomac and the Delaware, that the importance of the Pennsylvania and Ohio canal can be duly appreciated.

When these works shall have been executed, the farmer in the centre of our state may put the production of his fields on board of a boat which will convey them to Washington, Alexandria, Baltimore, or Philadelphia, without unloading or re-shipping; and the merchant may bring his goods from either of those cities to his own door, without risk or change in the manner of transportation, and for an expense not exceeding one third of the present cost.

Through the northern part of the *Ohio Canal*, the proposed *Pennsylvania and Ohio Canal*, and the *Chesapeake*

and *Ohio* or the *Pennsylvania Canal*, a direct intercourse between the great Lakes of the northwest on the one hand, and the Delaware and Chesapeake Bays and Atlantic Ocean on the other, will be carried on to an immense extent.

To the interests of Pennsylvania, and of those engaged in the Chesapeake and Ohio Canal, as well as to Ohio, the proposed canal is of the first importance. It is the most advantageous route between Pittsburg and Lake Erie, the most direct from the western parts of Lake Erie, Detroit, and the northwestern lakes to Pittsburg, Philadelphia, and Baltimore; it unites with the navigation of Lake Erie at a point further west, and longer clear from obstruction by ice than any where in Pennsylvania; and above all it intersects the Ohio Canal before it strikes the lake, and by that means precludes the necessity of transshipment, and avoids the danger of lake navigation, as it respects the commercial intercourse between the state of Ohio and the ports of the Delaware and Chesapeake.

Should the Pennsylvania and Ohio Canal be completed, we shall see an active commerce between the city of Pittsburg and the western part of the state of Pennsylvania, on the one hand, and the country bordering on the Ohio river below the mouth of the Scioto, on the other, carried on through that canal and the Ohio canal, during those seasons when the water in the upper part of the Ohio river is too low for steamboat navigation.

The profit of this work to the proprietors must be commensurate to its commercial importance; and it is believed to offer one of the best opportunities for a profitable investment of capital than can be afforded in the United States.

Respectfully submitted.

ISAAC MINOR,  
BENJAMIN TAPPAN,  
N. BEASLEY,  
JOHN JOHNSTON,  
ALFRED KELLY,  
M. T. WILLIAMS,  
A. BOURNE.

Columbus, Jan. 17, 1828.

## DU PONCEAU'S ADDRESS BEFORE THE LAW ACADEMY.

A series of addresses delivered before the Law Academy has been placed in our hands, with an intimation that their insertion in the Register would be gratifying to the members of that institution: we therefore, cheerfully comply, by inserting this week, the address of Peter S. Du Ponceau, Esq. which although not the first in the order of time, may aptly be considered as introductory to the remainder of the series—as it furnishes an historical account of the rise and progress of this Academy; and points out the advantages to be derived by the members, from their connexion with it.

Address delivered before the Law Academy of Philadelphia, on the opening of the Session 1831-2, by Peter S. Du Ponceau, LL. D., Provost of the Academy.

Gentlemen of the Law Academy:—

Ten years have elapsed since this Institution was established in its present form and under its present name. Before that time there had existed only ephemeral associations of students of law, denominated *Law Societies*, which seldom lasted more than two or three years, and were never heard of beyond the walls, where, without compass to steer by, and without guides in whom they could confide, they performed their modest exercises. It was my good fortune, in the winter of 1784-5, or perhaps in that which next preceded it, for



recollection is not very particular on this point, to be a member of one of those societies, with the late but for ever illustrious Judge Washington, who at that early period of his life displayed the germ of those talents by which he was afterwards so eminently distinguished, and won the affection of his fellow students by the excellence of his heart. What became of that Society after I left it, I have not been able to learn; one more of its members only I remember, John Wilkes Kittera, who became distinguished afterwards at the bar, and in the senate. I believe it was dissolved soon after the admission to practice of those who then composed it.

From this time until the year 1811, I heard no more of Law Societies in this city, although some might have existed without my knowing it. In that year there was one formed, which for the first time conceived the idea of calling to their aid, one of the elder members of the bar, and I was honoured with the office of their President. How, and by whom the idea was suggested to them I cannot tell, much less how they came to make choice of my humble person; all I can say is, that the moment the offer was made to me, I perceived all the good effects that might result from this honorable coalition of experienced age with unexperienced youth; and I accepted without hesitation. But the time was not yet come for the seed to bear fruit; the society lasted only two years, and was then dissolved. I have fortunately preserved the volume of its records. It is in the possession of your Secretary, and I recommend its being kept with care. The opinions delivered by the President were not preserved, but there is no reason to regret their loss.

The seed however had been sown, and it bore its fruits in due time. Towards the latter end of 1820, a new Law Society was formed, and again I was chosen their President. In that Society there were young men of exalted views, some of whom had been lately admitted at the bar: among those were particularly distinguished one of your Vice Provosts,\* and the late lamented John Keating, Jr. who, if he had lived, would most probably be also seated on this bench. Those gentlemen suggested the appointment of a committee from their body, to confer with me on the subject. I regret that all their names are not present to my memory. By that committee the plan of this academy was formed.

It was found necessary in the beginning to have the aid and support of the bench and bar, who very condescendingly acceded to our wishes.—A society was accordingly formed to consist exclusively of "Judges of the Courts of the United States, and of this State, of Attornies and Counsellors at Law, and of Students of Law, having attained the age of twenty-one years." Here for the first time, gentlemen, you see students of law associating on an equal footing with venerable judges, and with the most learned, most experienced, and most celebrated members of the legal profession. As soon as a student attained the age at which the law ceased to consider him as an *infant*, he became entitled to full membership in that most respectable association, and to sit by the side of his instructors, and of the judges of the land. He became the patron of the younger students, and concurred in making the laws which he was with them called upon to obey. I believe a similar instance cannot be found in the annals of our profession.

This association assumed the name of "The Society for the Promotion of Legal Knowledge and Forensic Eloquence." Its principal object, as avowed in the preamble to its constitution, was, "to connect with the mode of instruction at that time exclusively pursued, a more scientific and academical system, whereby not only a greater degree of jurisprudential knowledge might be acquired, but the students might be exercised

in the art of public speaking, so as to unite the talent of the orator with the science of the jurist."

To this society, and under its patronage and direction was to be annexed, a "Law Academy," to consist of students at law, and such junior practitioners at the bar, residing within the city and county of Philadelphia, as should be willing to become members thereof. It was also agreed, that the faculty of the academy should consist of a provost, a vice provost, and such professors as should be provided by the board of trustees, elected by the society, and invested with ample powers for the administration of its affairs. The constitution of that society may be found at large, in the 1st and only volume of Hall's Journal of Jurisprudence, being a continuation of his valuable Law Journal.

Under this constitution the society was incorporated on the 12th of January, 1821. On its organization, the venerable William Tilghman was chosen its President, William Rawle, Esq. Vice President, John K. Kane, Secretary, and Benjamin Tilghman, Treasurer. The Trustees were Charles Chauncey, Thomas Kittera, John M. Scott, Bloomfield M'Ilvaine, and John Keating, Jr. of the two last of whom death has deprived the profession and their country.

By a schedule to the constitution of the society, it was provided, that the Law Society then existing in the city of Philadelphia, should be invited to form itself into a Law Academy, to be annexed to the parent society, under its constitution, which invitation that society immediately complied with, and the whole system was accordingly organized, and began to be carried into execution.

The constitution of the patron society had, as I have said before, directed that the officers of the Law Academy should consist of a provost, a vice provost, and such professors as should be thereafter provided by the board of trustees. These officers, except the professors, were left to the choice of the academy, who did me the honor to elect me their provost, and James Gibson, Esq. was chosen to fill the station of vice provost. The place of professor was filled afterwards by the appointment of the board of trustees. The Hon. Joseph Barnes, now president of the district court for the city and county of Philadelphia, was appointed professor of the common and statute law, and read two courses of lectures which gave general satisfaction.

An unforeseen accident prematurely dissolved the society with which our academy was so happily and so successfully connected. They had appointed their annual meeting for the election of officers, to be held in the room where the supreme court of the state then held their sittings. Unfortunately, at the hour when the election was to take place, the door keeper was missing, the door was locked and could not be opened, the members after waiting some time dispersed, and no election was held. There was no provision in the constitution for such an emergency; the venerable Tilghman was of opinion that the society could not proceed without a new charter of incorporation. Several meetings were held for that purpose; but now began the proposals of amendments and additions to the existing constitution, the discussions were prolonged until the meetings became less and less numerous, the thing was dropped altogether, and the society was not revived.

But the academy did not lose courage. They considered that they might go on without the aid of the parent society, and that their faculty, of which they gradually increased the number, might supply its place. In some degree, their expectations were not deceived, yet the dissolution of that society is an event ever to be regretted.

I must be permitted to say here, in honour of our departed Chief Justice Tilghman, that while the parent society continued, he was one of the most active and zealous amongst its members, and that he never failed, to my recollection at least, in attending to any of its

\* John K. Kane, Esq.



meetings. He was also amongst the first supporters of the plan of its institution, and his influence contributed not a little to bring it into existence. In remembrance of these services, and not willing to remain entirely unconnected with that excellent man, the academy elected him their patron, which title he retained till the day of his death, when the academy did not forget to pay a tribute of respect to his memory.

What the academy has done since is known to us all. I think I may safely say, that no association of young students has distinguished itself as this academy has done. It was a happy idea of your faculty to include among your scholastic exercises, the writing of dissertations on legal subjects; several were produced of considerable merit, which the academy deemed worthy of publication. But I must not omit to speak of one, the work of considerable labor and research, not in the form of a pamphlet, but of a volume, which received the pointed approbation of a Marshall and a Kent, was quoted by foreign jurists, and now forms a part of the library of Equity lawyers in this country. The author of that treatise\* had not attained the age of twenty-one years. I wish I could have omitted mentioning that work, as its author is now sitting on the bench of this academy to which you have very properly elevated him; but historical truth has its laws, which no regard to the modest feelings of individuals should ever permit to be infringed.

Unfortunately this wise regulation of our academy has for some time fallen into disuse. The same regard to truth obliges me to tell you in what manner that happened. One of our young members who had always distinguished himself in our debates, had undertaken to write a dissertation on a very nice but interesting topic of the Common Law. He had written it, and those who had been admitted to the favor of its perusal, spoke highly in its praise. But being shortly afterwards admitted at the bar; what I shall take the liberty to call a much to be regretted diffidence induced him to withhold his work from the academy, and there is reason to believe that he has since destroyed it. Other members were disheartened by this example, which as an officer of this academy, I am compelled to say was blameable, and which I do not hold up to you as worthy of imitation. Who would praise Virgil for directing the Eneid to be burnt after his death?

Now that the force of this example is sufficiently spent, I hope, gentlemen, that we shall return to our former practice, and that the writing of legal dissertations by the members of this institution will be resumed. The academy has acquired a name at home and abroad which must be sustained, and that can only be done by hard labour, the fruit and the results of hard study. It is not enough even to do as we have done; we must do more; for in the paths of science there is no baiting place, and those who do not advance, cannot even expect to remain stationary, they must inevitably recede.

Since the resignation of Judge Barnes, there has been no professor attached to this academy. The parent society was no longer there, to aid us with its powerful influence. Had it continued, not only that influence, and the respectability which their appointment would confer on the individual chosen, would have induced some one to fill the office, but through their means, funds might also have been provided to make it worth the while of an able jurist to devote a part of his time to your instruction, and to give lustre to this institution. Your faculty have done what they could to supply this deficiency; they do not however despair of being able to do it, and as our members increase, our means of providing a moderate salary for a qualified lecturer will increase likewise. You must not always expect, gentlemen, that members of our profession, whose time is profitably engaged in its practice, will, like Judge

Barnes, add to their numerous avocations, the hard and fatiguing duties of a professor of law, without receiving some compensation for their labour. It is neither just, nor natural to expect it. The time will come, however, when we shall be able to attain this most desirable object, and I hope we shall always keep it in view. Nothing is impossible to courage and perseverance.

In the mean while, gentlemen, we ought to think of some substitute. It is well known that the members of the bar generally, are friendly to our institution. This interest is manifested in many ways, but particularly by their recommending to their students to become members of it. I am convinced that there is not one of them, but, if properly applied to, would with pleasure deliver at least one lecture on some legal subject in each season, without expecting for it any fee or reward, but that of having contributed to the advancement of our science, and rendered service to the rising generation. And I hope I may be permitted to add, that there are some among them, whose number is sufficiently large, who would consider it as a duty—I allude to the alumni of our academy, who, after their admission at the bar, have retired as *honorary members*. They would thus honorably repay the benefits they have received from it. The connection between them and us, while it nominally continues, ought not to be broken in fact by their admission at the bar. You have shown that you do not consider it so, by electing some of the most conspicuous among them, to be members of your faculty. Let them, therefore, reciprocate the feeling, and give the most unequivocal proofs of it, by communicating to you in the form of lectures, the fruits of the knowledge they have acquired among you.

At a future day, those lectures, collected and preserved as I hope they will be, will form interesting volumes, which will be sought after by our posterity, and perpetuate the names and the fame of their authors. The fame of a practising lawyer, however learned, eloquent, and able he may be, is fugitive and transitory and seldom lasts beyond his life, unless he leaves behind him some traces of the knowledge and eloquence that he possessed. The names of Marshall, Hamilton, Livingston and Kent, will never be forgotten, while many on the eloquence of whose lips, and the effusions of whose minds, all who heard them have hung enraptured, will be forgotten by posterity, because they have left nothing behind but an empty name.

There is great reason to believe that you will thus receive the aid, if properly applied for, not only of those gentlemen of our profession who are connected with this academy, but of the members of the bar at large. There has been of late years a general disposition manifested in the men most distinguished not only for their talents, but for their high stations in society, to contribute personally to the advancement of our youth in every kind of knowledge. For this purpose, such men as Story and M'Lean have not disdained to descend from their high and dignified seats, and the Everett's, the Kent's, the Hopkinson's, the Sergeant's, the Ingersoll's, the Dallas's, and several others, all highly distinguished in public or professional life, have gone even beyond the limits of their own states, to impart instruction and advice to associations of youthful students, under the names of Phi-Beta-Kappa, Philomathean, Philoclean, Zelosophic, Cliosophic, Peithosophian, and I know not how many other denominations of societies, for whom they might perhaps feel a particular attachment, from some former connection or otherwise, but still with the same view of being useful to the rising generation. And just now we hear that Berrien, the late distinguished attorney general of the United States, will come next year from distant Georgia to be present at the commencement of our university, and there deliver an instructive discourse to one of the youthful associations of that venerable institution. Such is the respect paid by our greatest men to the youth of our country, of which I believe there is not another exam-

\* Antony Lausatt, Esq.



ple in any part of the world. Why then should we fear that men of enlarged minds should deny to us what they have so liberally granted to others? But to merit those honours, our exertions must be unremitted, and we must convince those who are disposed to honour us, that those bright favours will not have been granted in vain.

It is but a few years since this disposition has shown itself at least, to such an extent, in the distinguished men of our land. May we not say, without being taxed with overweening pride, that the first example of this association of dignified age with unexperienced youth, was given by Tilghman and Rawle, and those who with them first associated themselves with the members of our academy, and took it under their special patronage? Was not Judge Barnes the first who from the bench entered our academic groves, and gratuitously assumed the part of our Blackstone and our Woodeson? In short, was not this academy the first association of students who were so honoured, and did not this example, at least, greatly contribute to produce the present happy state of things? Be that as it may, it is our duty to avail ourselves of so favourable a disposition in the most distinguished characters of our country, and to solicit from them that aid and support which they have not denied to others, and which there is every reason to hope they will not refuse to extend to this academy.

But I fear, gentlemen, that I have already trespassed too much on your time, considering that you are to be addressed this evening by another member of your faculty, on a most important and interesting subject of the law of our country. My object in this discourse has been principally to lay before you a brief history of the origin, rise and progress of this institution to the present time, lest the memory of it should be lost; as I am aware that although only ten years have elapsed since our first commencement, many of the facts I have stated are unknown to most of you, and that it is to be expected in an association consisting of so rapid a succession of members as the law academy. But as it is to be hoped that it will not only continue for many more years to come, but that it will produce fruits that will convey its name with honor to posterity, its history may be expected to be hereafter an object of interest, and therefore, it is proper that it should be preserved. With that view I would recommend, that for the sake of the facts that it contains, this address should be preserved among your records, and that every year, at the beginning of our session, one of your members should be appointed, to whom it should be enjoined to make report at the next annual meeting, of every thing worth recording done by the academy during the year just elapsed. Those reports according as they shall be filled, will be every year to you a source of congratulation or regret, and will be of the greatest use to the future historian of our academy, if we should ever deserve to have an historian, to which honourable end our efforts I hope will constantly tend.

Let me then recommend you to continue those efforts with zeal, activity, and perseverance, and so as never to consider that you have done any thing, while any thing remains to be done. This is the only course, which in an undertaking like ours can lead to success. And permit me to conclude in the words which the Emperor Justinian addressed to the law academies of his dominions: "Summa itaque ope, et alacri studio leges nostras accipite, et vosmet ipsos sic eruditos ostendite, ut spes vos pulcherrima foveat, toto legitimo opere perfectio, posse etiam nostram Rempublicam in partibus ejus vobis credendis gubernari."\*

Never forget, that among you are the future legislators and judges of this land, and that the fate of our happy country will in a great measure depend on the knowledge that you will have acquired of its institutions and its sacred laws.

## CANALS AND RAIL ROADS.

*Extract of a letter, dated*

"EBENSBURG, Oct. 9, 1833.

"Many of the questions you have propounded, you will recollect relate to the *future*, and have to be answered altogether upon judgment. Now as no man, you know, is considered a prophet in his own country, my anticipations on this point or that point, must be the result of individual opinion, and go for just what they are worth. The value will be ascertained from the reasons assigned.

When that portion of the Pennsylvania Improvements, termed the "main line," extending from Philadelphia to Pittsburg, is completed, the length of it will be about 396 miles, as thus—

From Philadelphia to Columbia, by rail way,	86 1-2 miles
From Columbia to Hollidaysburg, by canal,	175
From Hollidaysburg to Johnstown, by rail way,	36 1-2
From Johnstown to Pittsburg, by canal,	104
	396 miles.

Assuming it as a fact, then, (which I deem very probable) that the rates of toll upon the Columbia and Portage rail ways will be made to correspond with those upon the canal, the price of transportation for a ton of dry goods, from Philadelphia to Pittsburg, for toll alone, will be \$9 52—add to this, the boatman's charge for freight, which may be set down at \$10 48, and the whole cost of carriage will be one cent per pound, or \$20 per ton. The cost of transportation, however, must and will be regulated entirely by *competition* in the carrying trade—and I do not doubt but goods will be carried through for 87 1-2 cents per 100 pounds. The present price, by way of the Union Canal, and turnpike across the Allegheny, is from 35 to 40 dollars per 2000 pounds.

The distance from Pittsburg to Philadelphia, via the Portage, and Pennsylvania, Union, and Schuylkill canals, is 443 1-2 miles, as thus—

By Canal, &c., to Middletown,	296 1-2 miles.
"Union Canal,	79
"Schuylkill Canal,	68
	443 1-2 miles.

The toll on the Union Canal is \$1 60 per ton—on the Schuylkill, about \$1 36, and on the Pennsylvania Canal, \$7 15—making together throughout by their canals, \$10 11 c. The differences, therefore, between the tolls that will possibly be charged on the main line, and those now charged in the present mode of conveyance, would be 59 cents in favor of the state improvements. The difference in the distance, between the two routes, is 47 1/2 miles. That is, it is 47 1/2 miles further to go by Reading, than by Columbia.

The time that will probably be required to go from Philadelphia to Middletown, by way of the railroad and canals, 99 1/2 miles, will be less than 24 hours, including all time for transferring the cargoes from the cars to the boats; whilst the time necessary to convey a boat from and to the same point, by the Schuylkill and Union canals, 147 miles, is about 70 hours. The vast difference here as to time, does not rise from the excess of distance alone, but from a difference in the facility of going over the same space. 80 1/2 miles of one route is railway, and 19 miles canal, with about 8 locks; whilst the whole of the other route is canal and slackwater, with about 130 locks. Hence the difference in the time required for lockage between the two routs, assuming 4 minutes as the period for passing a boat, will be 8 hours, 8 minutes, in favor of the Columbia route.

Upon the completion of the main line, goods may be taken from the depots, in Broad street, Philadelphia, and delivered, by regular lines, in Pittsburg, in 192

\* Inst. Proœm 7.



hours, or 8 days, and this is allowing them to go at a rate but little over two miles an hour.

By the present mode of transportation, goods ought to be delivered in Pittsburg in 12 or 14 days—but they are often 20 days on the way. This, however, does not always arise from inattention on the part of the boatmen. The difficulty in getting the means of transportation across the mountain, is frequently the cause of great delays. The wagoners have a strong antipathy to the railroad and canals, and would rather haul iron for something less, than encourage a system which must ultimately drive them from the road.

Now, notwithstanding the difference in the tolls and distance between the Union Canal and the Columbia route, the former will always draw a considerable portion of the carrying trade from the latter. Much of those heavy and unwieldy articles, such as Tobacco, Gypsum, Coal, Salt, Lumber, Liquors, in hhds. &c. will go by the Canal, because there is no transshipment, and because many of the freighters, who carry on their own account, will have no cars, nor any connexion with regular lines. All the lighter articles, such as drv goods, and generally all kinds of merchandise, and many of the agricultural products, especially flour, will take the railroad, because of the rapidity of transition, and because of the facilities of the railway to be laid from Broad via South street, to the Delaware, which will afford the western products a cheap method of getting to the wharves.

It may be possible that the Board of Canal Commissioners will regulate the tolls on the railway, so that they will exceed those on the canal. This measure, however, I think, would be injudicious, as regards the Columbia line, inasmuch as it would give the Union and Schuylkill Canals a great advantage, and bring them into a dangerous competition. Suppose the railways to be unconnected with any other improvement, but acting merely as a means of conveyance between two points, the toll that ought to be charged upon them should be about 4 or 4½ cents per ton, per mile. If it should be necessary to increase the tolls on the railway, in order to cover, in some measure, the excess of expenditure made upon them over canals, it would be better to distribute the required increase throughout the whole line. This would answer a better purpose, and be, by far, the most convenient.

Great exertions are making to have a single track of the Columbia Rail road laid by the month of December, I doubt much whether it can be done. The viaduct across the Schuylkill is rather backward, and without its completion, the road will be of little use.

The portage is in a fair way, and I hope to have the pleasure of passing over it with a train of cars in a few weeks. We have been very unfortunate with our iron. A large portion of that lost off Cape Henlopen, has not yet been supplied, and any delay which may occur with us, will be owing to that circumstance. But, *nil desperandum*, the iron will come, and if God's willing, and the weather's fair, I can assure our friends that we will open the campaign, in form, in the spring, with steam hissing, cars rattling, horses smoking, and nine cheers from honest hearts, for good old Pennsylvania."—*Pittsburg Gazette*.

## PENNSYLVANIA LEGISLATURE, 1833—4.

### SENATE.

City of Philadelphia—William Boyd, David S. Haysinger.

County do.—Joseph Taylor, Samuel Breck, George N. Baker.

Chester & Delaware—William Jackson, Geo. W. Smith.

Montgomery—John Matheys.

Bucks—William T. Rogers.

Northampton, Lehigh, Wayne and Pike—Jacob Kern, Peter Newhard.

Berks and Schuylkill—Jacob Krebs, Paul Geiger.

Dauphin and Lebanon—Jacob Stoeber.

Lancaster—John Robinson, Jacob Hibshman.

York and Adams—Henry Smyser, David Middlecoff.

Franklin—David Fullerton.

Cumberland and Perry—Charles B. Penrose.

Northumberland and Union—Samuel J. Packer.

Mifflin, Juniata, Huntingdon and Cambria—George McCulloch.

Centre, Clearfield and Lycoming—Henry Petriken.

Luzerne and Columbia—Uzal Hopkins.

Susquehanna, Bradford and Tioga—Almon H. Read.

Bedford and Somerset—Henry H. Fore.

Westmoreland—John Klingensmith, jr.

Washington—Thomas Ringland.

Allegheny—William Hays.

Beaver and Butler—John Dickey.

Fayette and Greene—John A. Sangston.

Armstrong, Indiana, Jefferson, Venango and Warren—Philip Mechling.

Mercer, Crawford and Erie—Thomas S. Cunningham,—re-elected.

### HOUSE OF REPRESENTATIVES.

City of Philadelphia—Abraham Miller, Wm. H. Keating, Wm. White, jr. John Weigand, Davis B. Stacy, Joseph T. Mather, C. P. Holcomb.

County of Philadelphia—Francis J. Harper, John Rheiner, jr. James Goodman, Peter Rambo, W. H. Stokes, Lemuel Paynter, Thomas Guirey, Thomas J. Heston.

Delaware—Samuel Anderson.

Chester—Oliver Alison, Wilmer Worthington, Thomas L. Smith, Samuel McClean.

Montgomery—John E. Gross, John M. Jones, Joseph Fornance.

Bucks—Daniel Boileau, John H. Bispham, Christian Bertels, William Watson.

Northampton, Wayne and Pike—John Westbrook, Jedediah Irish, Adam Daniel, Charles E. Weygand.

Lehigh—John Weida, Jesse Grimm.

Berks—Benjamin Tyson, Jacob U. Snyder, Peter Kline, Jr. Adam Schoener.

Schuylkill—Charles Frailey.

Lancaster—John Strohm, Levin H. Jackson, Jacob Erb, James Patterson, William Noble, Frederick Hipple.

Lebanon—David Mitchel.

Dauphin—William Ayres, Jacob Hoffman.

York—John R. Donnell, Henry Snyder, Wm. McClellan.

Adams—Thadeus Stephens, James Patterson.

Franklin—William S. McDowell, T. Hartley Crawford.

Cumberland—Michael Cocklin, Samuel McKeehan, Perry—John Johnston.

Northumberland—Albe C. Barrett.

Mifflin and Juniata—Andrew Bratton, William Sharon.

Union—Robert P. Maclay, Simon Shaffer.

Columbia—Isaac Kline.

Luzerne—Albert G. Brodhead, Ziba Bennet.

Lycoming, Potter and McKean—Geo. Crawford, William Piatt, jr.

Centre and Clearfield—Henry Barnhart, Alexander Irwin.

Susquehanna—Bela Jones.

Bradford and Tioga—Samuel W. Morris, Lockwood Smith.

Bedford—Thomas B. McElwee, Samuel M. Barclay.



Somerset—Bernard Connelly, Peter Will.  
 Westmoreland—James Findlay, James Moorhead,  
 Jacob D. Mathiot.  
 Washington—Robert Love, Wm. Patterson, William  
 McCreery.  
 Allegheny—Wm. Robinson, jr. Robert Hilands, Wil-  
 liam Kerr, James Scott.  
 Huntingdon—James Clarke, T. T. Cromwell.  
 Indiana and Jefferson—William Banks.  
 Armstrong—Patterson.  
 Beaver—Abner Lacock, John Clarke.  
 Butler—Samuel Kerr.  
 Fayette—Joseph Eneix, James H. McClelland.  
 Greene—William S. Harvey.  
 Venango and Warren—James Thompson.  
 Mercer—William S. Rankin.  
 Crawford—John B. Wallace.  
 Erie—John H. Walker.

From the N. Y. American.

### MAD RIVER AND LAKE ERIE RAIL ROAD.

The facts and reasonings of the annexed expose by the Commissioners who are here to superintend the opening of books for subscription to the stock of the *Mad River and Lake Erie Rail Road*, cannot, we think, but have the effect of recommending the enterprize to the capitalists of the city.

"In presenting this road to the citizens of New York for patronage and support, it will be expected that the Commissioners offer to those who are asked to invest their funds in its stock, some evidence of its probable productiveness; together with its utility and importance to the public, as a thoroughfare of travel and commerce.

The connexion of the southern bay of Lake Erie, at Sandusky, with the northern bend of the Ohio river at Cincinnati, by rail road and canal, has long been looked to with interest and solicitude by the people of the west; and has struck with great force all intelligent travellers that have passed from one to the other of these points, as a work in every way worthy of the patronage and support of the citizens of New York and Ohio, whose interest so indissolubly unites. The fertility of the country through which this connexion must be made, its uniform soil and even surface, with its admirable adaptation to the construction of a rail road, point to it as one that, in a few years, must be as productive as any work of the same character in this or any other country.

Compare this with any other route in the United States, and then ask yourself, where it is that you intercept as large a portion of the travel from the west to the eastern cities, as you do by this contemplated rail road.

Is it not by this route that you tap the great artery of the western travel and western commerce, at its most eligible point, and by that means at once throw your merchandize into the centre of our population, and agricultural wealth at the city of Cincinnati; which is now, and must ever continue to be the most important point in the valley of the Mississippi.

Cincinnati at this time concentrates nearly all the travel from the nine western and southwestern states, towards the Atlantic cities, and hence the great importance of uniting New York by easy and expeditious conveyance with that place. Construct this road to Lake Erie, and your Utica and other roads, on to Buffalo, and you have accomplished your object by opening an easy line of conveyance, that can never be supplanted, either by a route from Baltimore or Philadelphia, across the Allegheny mountains, nor by any other, connecting lake Erie with the great valley of the Mississippi. And the traveller from the far west, instead of having to pass through Baltimore and Philadelphia to reach New York, as is now the case, will then find it much more easy, and convenient, and cheaper, to pass through New York, in order to reach Baltimore and Philadelphia.

The time required to travel from the principal points in the western and southwestern states, by the route of the proposed road, (in connexion with a rail road from Buffalo and Albany,) to New York, and we intend to make ample allowance,) will be as follows:

From New Orleans to New York, 13 days; from Natchez to New York, 11 days; from St. Louis, via the Great National (McAdamized) Road which intersects the proposed rail road at Springfield, 7 days; from Vandalia, the capital of Illinois, by do. 6 days; and from Indianapolis, the capital of Indiana, also by the National Road, 5 days; from Nashville, the capital of Tennessee, 7 days; from Louisville, Kentucky, via Cincinnati, 5 days; from Cincinnati, 4 days; and from Sandusky, 3 days—and here we will remark, that the proposed rail road will present the *most direct route that can possibly be obtained, from Buffalo to each of the above named places.*

We are unable to form a correct estimate of the amount of merchandise and agricultural productions that will pass and re-pass over this road, but we appeal with confidence to all who have travelled over the section of country through which this route passes, (and we have been pleased to meet with many of your citizens that have,) if in this or any other country, they have seen a better soil, with more industrious occupants, or a larger surplus of agricultural productions than is to be found along this very line of inland communication. We have travelled much in both the western and eastern parts of the United States, and without favor to this section of country, or prejudice against any other, we confess that we have yet to see the country capable of yielding the same amount of agricultural productions.

We are not, however, left entirely to conjecture on this point, but have at our command an official document, from which we will make a few extracts.

This road connects with the northern termination of the Miami canal, at Dayton. This canal is a mere indentation from Cincinnati into the country up the Miami valley of only sixty-five miles; connecting no important point, but merely operating as a drain to take off a portion of the surplus production along its route; and near its termination.

In the Report of the Canal Commissioners to the Legislature of Ohio, which will be found at pages 342-3, and 4, in the journals of their session, the following facts are stated:

"The saving by transportation on the Ohio Canal, (which is 310 miles in length) over the ordinary mode of transportation by wagons, is \$231,004 and 94 cents—and the saving by means of the Miami Canal, which is 65 miles in length, is \$81,152 and 82 cents. But the parallel in favor of this route does not stop here. The property that arrived at Cleveland during the last year by the Ohio Canal was the following:—wheat and flour amounting to 112,158 barrels; pork, 13,081 barrels; whiskey, 2,150 barrels. During the same period of time, the property that arrived at Cincinnati by the Miami Canal was as follows: flour 97,578 barrels; pork, 19,758, whiskey, 40,425 barrels. Thus presenting the fact, from official documents, that in the exports of flour, pork, and whiskey, the great staples of Ohio, there passed through the Miami Canal, which is only 65 miles in length, and yet connecting no important commercial point with Cincinnati, 29,662 barrels more have passed through the Ohio Canal during the same time.

In the same report we have the following of the tolls and water rents paid on each of those canals during the last year. On the Ohio Canal, there were paid \$82,867 42; and on the Miami Canal, 40,928 81—still keeping the same relative proportion in favor of the latter, and the productiveness of the country, through which it and the anticipated rail road is intended to form a line of communication.

JOSEPH VANCE, }  
 ISAAC MILLS, } Commissioners.

NOTE.—It is proper for us to state here, that there



were but 270 miles of the Ohio Canal, to wit: from Cleveland to Chillicothe, open during the whole of the last season; the balance of the distance, from Chillicothe to the Ohio river, was not opened until towards the latter part of the season.

**EXPERIMENT ON THE RAIL ROAD.**—We understand that an experiment was made a few days since on an inclined plane of the Danville and Pottsville Rail Road on the Broad mountain, to ascertain its practical operation: the length of the plane being 800 feet, and perpendicular height 200 feet. The ascending car which was raised by means of a descending one, passed up in the short space of ninety seconds, and without anything to interrupt the smoothness of its ascent. It is understood that water power will be made use of on these inclined planes, which is attended with far less expense than that which is incident to steam machinery.—*Miner's Journal.*

**ACCIDENT.**—On Thursday last about noon, while two men were employed in the mines of Mr. McIntyre, near the West Branch rail road, an immense body of rock and slate suddenly gave way, and before the miners had time to think of making their escape, the gangway was completely blocked up, and they found themselves buried alive. In this awful situation they remained until three o'clock on Friday morning, at which time, through the unremitting exertions of their friends, who worked without interruption throughout the night, they were taken out in a state of great debility and exhaustion, but strong enough to warrant the hope of speedy recovery. Great praise is due to those who exerted themselves with such persevering industry in behalf of these individuals, by which alone their miraculous preservation was effected. A horse which was in the mines was killed, being crushed to atoms by the overwhelming mass.—*Miner's Journal.*

**LARGE TOMATO.**—A Tomato grew in the garden of Mr. John L. Wright of this borough, this season, which weighed two pounds.—*Columbia Spy.*

## THE REGISTER.

PHILADELPHIA, OCT. 26, 1833.

The increasing interest which is at present felt in our city with regard to the attraction of the western trade to Philadelphia, has induced us to devote a considerable portion of our number to articles bearing upon that subject. The article on the Mad river rail-road in connexion with the one which we lately published, exhibits the plans and the zeal of our neighbours of New York to endeavour to exclude us from any participation in the immense trade of the West. We understand, that one great object for forming the "Board of trade" in our city is to counteract those exertions—and that they have already taken some steps towards it by the appointment of a delegation to the Warren Convention.

### EXPENDITURES BY THE CITY COMMISSIONERS IN 1832.

New Paving,	74,040 70
Unpaved streets,	6,365 95
Cleansing the City,	27,897 71
Docks and Sewers,	14,059 76
Lighting and Watching,	57,280 62
Pumps and Wells,	4,031 12

Regulating ascents, &c.	868 00
Expenses of offices,	1,094 63
Services in the markets,	646 00
Incidental expenses of Councils,	166 36
Repairing over water pipes,	13,441 21
City property,	19,853 79
Purchase of paving stone,	1,673 25
Repairing footways,	1,008 08
Expenses authorized by Councils,	8,298 55
Sanitary fund,	38,782 76
	<hr/>
	\$269,508 49

### Composed of the following items,

Advertising,	470 00
Blacksmiths' work,	1,812 28
Bricklayers' work,	2,420 22
Bricks,	8,107 84
Care of clocks,	250 00
Care of Franklin square,	342 60
Do Independence, do	467 12
Do Penn, do	24 12
Do Washington, do	1,032 37
Carpenters' work,	3,307 07
Cleansing docks and Sewers,	453 00
Do city,	27,883 26
Collecting vaccine cases,	258 75
Curbstone setting, &c.	1,237 41
Flag stone,	392 89
Fuel,	252 98
Gravel,	2,326 61
Hardware,	725 71
Hauling gravel and paving stone,	18,865 07
Killing dogs,	1,849 00
Laborers and Carters,	44,665 25
Lamp and tin work,	2,201 62
Lime,	353 00
Lumber,	3,247 87
Messengers of offices,	400 00
Miscellaneous,	51,347 97
Oil,	15,935 20
Painting and glazing,	654 40
Paving stone,	31,084 93
Pay of Watch,	34,907 60
Petty bills paid,	3,492 66
Printing and stationary,	1,572 84
Pump makers work,	2,752 67
Regulating ascents,	896 50
Services in the Markets,	594 00
Taxes	434 34
Trees,	89 00
Turning,	504 30
Wharf builders' work,	319 09

Receipts into the Treasury from various sources during 1832, including \$16,849 18, balance in Treasury, 1st Jan 1832,	506,319 30
Payments during the same period,	478,893 90
	<hr/>
Balance in the Treasury,	\$27,425 40



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOI. XII.—NO. 18. PHILADELPHIA. NOVEMBER 2, 1833. NO. 305

## MANUAL LABOR SYSTEM.

Report of a Committee of the Trustees of Allegheny College, on the Manual Labor system.

*Adopted and ordered to be printed, October 7, 1833.*

The Committee to whom was referred the subject of Manual Labor in Literary Institutions,

### REPORT,

That they have taken the subject into deep and serious consideration, and are of the opinion that Manual Labor in Literary Institutions, possesses all the intrinsic properties of the *great desideratum* to preserve the health and morals of students—to promote a vigorous application to study, and a general if not universal spread of useful science throughout our community.

Your committee feel sensibly, the high responsibility resting upon the board in relation to this Institution; they being the guardians of the munificence of the State, as well as numerous benevolent individuals whose funds have erected one of the most spacious and elegant buildings for collegiate purposes,\* and furnished it with one of the best Libraries† and Philosophical apparatus found in any Literary Institution in the West, and inferior to but few in the Union. And to answer the purposes of these benevolent designs, it is not only necessary to establish a classical school within the walls of the college edifice, but to have that school conducted on such principles as will be most conducive to the health and morals of the students.

But no fact is more clearly established in the annals of modern literature, than that the present most common mode of instruction, is deplorably defective in both these important particulars. A constant application of the *mind*, without giving the *body* suitable exercise, enervates the system, stupefies the faculties, impairs the health, and of course prevents vigorous application to study, and eminence in the attainment of useful science. And such are the deleterious effects of this course upon the student, that, according to the estimate of several eminent Presidents and Professors in Colleges, *one-fourth* of those who may be called close applicants, come to premature graves, while the great majority of the remainder drag out a feeble existence, with sickly frames and shattered constitutions.

In the mean time, according to the proverb, "an idle man is the devil's workshop." He being an active agent, he *will* be doing something; and if not *usefully* employed, will be doing *mischiefs*. Hence the idle manner in which students usually spend their leisure hours, tends strongly to vice and immorality: so much so, that many pious parents have feared to send their sons to College, lest their morals should be polluted, and themselves be rendered a curse instead of a blessing to the world.

That these evils exist, and that the best, if not the only remedy for them within human grasp is Manual Labor, to occupy the hours of relaxation from study, appears from the testimony of nearly one hundred gentlemen, Presidents and Professors in Colleges, and otherwise distinguished for their literary attainments and thorough knowledge of men and things.

Bodily exercise for some hours each day, was required

in the system of education adopted by Pythagoras. And in Persia, Rome, the Grecian States and indeed, in every well regulated ancient government, their systems of education made daily bodily exercise, a requisition. This system prevailed generally if not universally until monasteries were established, and literary men turned monks, divorced themselves from useful and practical life, and ended their days in cloisters, where they became sluggards and dozed away a life that might, with activity, been rendered useful to the world.

In accordance with this ancient usage, we learn from the historians of those days, that the most distinguished Statesmen, Soldiers, Philosophers, Historians, and Poets, connected Manual Labor with Study, and many of them were dependant on the avails of their toil for subsistence, while employed in the literary pursuits which have immortalized their names, and placed them on the imperishable pages of history as the benefactors of their species.

About two centuries ago, Milton wrote a pamphlet in which he urged the necessity of Manual Labor to secure the health and morals of the student. And since then, Jahn, Ackerman, Salzman, and Frank, in Germany; Jissat, Rousseau, and Londe, in France, have all written largely on the subject. But it was reserved for the Rev. Mr. Wesley, whose extensively useful labors rendered him one of the greatest benefactors of his age, to first revive this ancient mode of instruction by connecting useful labor with Literary studies; by founding and putting into successful operation, the "Kingwood Academy" in England. And, also by establishing an itinerant ministry, the economy of which requires the minister to labor and study every day.

And considering the usual idle mode of recreation, or spending leisure hours at Schools and Colleges, as a sinful waste of time, and of course tending to immorality; and that regular exercise in some useful employment is necessary for health as well as morals; and above all, desiring to qualify the young men under his care for usefulness in life, he made it the duty of students to spend their hours of recreation or relaxation from study in some useful employment. And it is highly probable, as Mr. Wesley made the Bible the standing rule of his conduct, that when he founded this school he had his eye upon a similar one, founded by Elisha the prophet,—for "the sons of the prophets," in which the students *labored*; for they "borrowed axes, and chopped timber to build them houses," &c.

In the introduction of Methodism into America, the economy of its founder was adhered to in this particular. And Cokesbury College, near Baltimore, founded by Bishops Coke and Asbury about *forty-five* years ago, had connected with it work shops, gardens, &c., in which the students were required to spend their hours of recreation, instead of idle plays which were strictly forbidden. But this building was consumed by fire, (as was supposed,) by the hand of an incendiary. Another was built, but it sharing the same fate, the Methodists became discouraged and made no more attempts of the kind for many years.

The next effort was in "the Maine Wesleyan Seminary," the model of which was taken from the above named schools. But these institutions being under the patronage and general superintendence of the Methodist



Episcopal Church, and having grown out of her economy, appear to have attracted no attention out of that body, and to have been viewed as a part of her religious institutions, and suitable only for the members of her communion, or of their sons.

But shortly after the establishment of the Maine Wesleyan Seminary, some enterprising spirits in the state of New York, succeeded in getting up the "Oneida Institute," to test the Manual Labor System; and such has been its success, that the system has become the most popular of any mode of instruction now extant, and not only new schools and colleges are being erected on the plan in different parts of the Union, but many of the old colleges are also adopting it, as an important improvement in the *modus operandi* for instructing the youth of our land.

And such is the prevailing conviction of its utility, that the benevolent societies of the day, have added to their mighty phalanx one in New York to promote Manual Labor in Literary Institutions. This Society employed Mr. Theodore D. Weld as its agent, during the year 1832, who travelled very extensively, and corresponded with literary gentlemen much more so, and in his report has collected a mass of information apparently sufficient to satisfy the most skeptical mind, that this is the best, if not the only system of education in use, in which the health and morals of the student can be safe.

And that our young men can prosecute their studies with great success, and at the same time labor, not only enough to preserve their health, but also, to defray all the expenses of tuition, board, books, clothing, &c., is easily demonstrated by numerous cases in which men have risen to the highest eminence by their own exertions. Thus, Gifford, the *cabin boy*, became one of the most influential writers of his day. Metastasio, a *friendless boy singing verses through the streets*, became one of the great ornaments of Italian literature. The two Milner's, raised themselves from the *weaver's bench* to the highest eminence in the literary and religious world. Epictetus, *born a slave*, became the pride of the stoics, and the familiar friend of the best Emperors of Rome. Ferguson and Murray, raised themselves from being *shepherd boys* to be distinguished instructors of mankind. Brown, the author of the Concordance Commentary, and Dictionary of the Bible, was a *shepherd boy*. Pope Adrian, was the son of a *barge builder*, availed himself of the privilege of a charity school at Louvane, and being too poor to buy candles to study by night, he would read in the church porches and at the corners of the streets, where lamps were kept burning. By unwearied diligence in this course, he became eminent for his acquirements, and rose to be preceptor to Charles V., by whose influence he was promoted to the papal Chair. Terence *was a slave*, yet raised himself to such eminence that the haughty Counsels of Rome courted his society, and delighted to do him honor.

Franklin, a *printer*, raised himself, by studying while laboring at his business, to such an eminence in literature and general science, that he became the greatest philosopher and ambassador of his age. The two Stephens, Robert and Henry, father and son, rose from being the most *laborious printers*, to be among the most learned men of the age. Brindley, when a boy a *carter* and *ploughman*, afterwards a *mill-right*, became a celebrated engineer in constructing canals, tunnels, aqueducts and locks. Sir Humphrey Davy, the son of a *wood carver*, and an *apprentice to an apothecary*, became the greatest chemist of the age. Columbus, a *sailor*, became the greatest geographer, astronomer, and discoverer, of his times. Ben Johnson, the dramatic poet, was a *mason* and a *soldier*, when young. Roger Sherman, a *shoemaker*, became one of the most distinguished orators, and patriot Statesman of the American Revolution. Herschel, a *British soldier* in Nova Scotia, first commenced studying the motion of the planets when walking on the sentry's post at night, and being discharged that he might pursue his studies to greater

advantage. became one of the great teachers of the world in the science of astronomy. Shakespeare, was a *butcher when a boy*.

Samuel Lee, a *carpenter*, labored and studied together, in early life, yet became the most distinguished linguist of the age, and professor of Hebrew in the University of Cambridge, England. Adam Clark, a *farmer's son, an apprentice to a draper*, became one of the most celebrated linguists and divines in the world. And Rittenhouse, the astronomer, was a *brass founder*. To these distinguished names might be added a host of others, well calculated to inspire the youthful mind with ardent desires for like distinctions, and to remove those barriers which *poverty* may seem to interpose to prevent their progress; and especially as very few of the above named individuals enjoyed the facilities offered the Student by the Manual Labor System.

But notwithstanding this system strikes the intelligent eye with imposing aspect, as to the *theory*; yet, serious difficulties have to be surmounted before it can be carried into *practical* effect. Not but that young men, and those who are destined to be "the bone and sinew" of our country; and will make our pulpits, our forums, and our legislative halls resound with their powerful and persuasive eloquence, may be found who will labor and study in these Institutions, but to aid them in their course, the Institution must be furnished with the necessary means to labor with. The student cannot bring a farm, a shop, tools, &c., with him, these things must be provided to his hands, and when once furnished may be used by succeeding students to the latest age of time, being favoured with the repairs and renewals which their use and time may require.

Our College, therefore, to be furnished with the necessary apparatus for the Manual Labor System, must have a farm, furnished with a sufficient stock of cattle, horses, sheep, hogs, &c., and implements of husbandry suited to an agricultural establishment. We must have houses, barns, and other out houses for the comfort and convenience of those who manage the farm. We must have, also, work shops for our mechanics, and dwellings for those who manage them: together with dwellings for our Professors, and boarding houses for the students. But all these things cost money.

There will, in all probability, be one hundred students in the laboring departments in the course of two years, if provision is made to receive them. Of these, fifty will probably be farmers, and fifty mechanics. Allowing each student to work *three hours* per day, the daily labor of one hundred students will be equal to thirty men at *ten hours* per day, one half of whom will be farmers. And to employ fifteen men profitably, will require a farm of at least 200 acres, which would cost, in the neighborhood of the College, probably \$20 per acre, or \$4,000

And to furnish this farm with teams, wagons, carts, chains, ploughs, harrows, axes, hoes, scythes, &c., for its proper management, would cost at least	500
And to furnish it with sheep, cows, hogs, poultry, seed, &c.	300
The necessary buildings, houses, barns, out houses, &c.	2,000
Mechanic shops for fifty students, or twenty hands, furnished with tools, materials for working, &c.	2,000
The necessary houses, ware-houses, &c. for superintendent of the mechanical department,	2,000
Boarding houses 100 students, say	5,000
Dwellings for four Professors, (supposing two Professors to reside in the two wings of the College,) with necessary out-houses,	4,000
The necessary fixtures to the College to prepare it for the reception of students,	200

Making in all the round sum of \$20,000  
These several sums may vary from this calculation,



but they are more likely to exceed than fall short of the estimate. And as it is very desirable to place a classical education within the reach of every young man in our country, who may have a taste and inclination to pursue it; your committee do most earnestly wish that the Institution could be so endowed as to support the Professors without the aid of tuition fees, when the student, who, by his own industry and the help of his friends, could furnish means to pay for his board, clothing, and other incidental expenses, could have the privilege of a gratuitous collegiate course. To do which, it would require an endowment of at least \$80,000. Which would extend the present real wants of the Institution to \$100,000.

But great and discouraging as this amount may appear at first sight, we are not to be discouraged. The history of our happy republic, and of the church, together with the rise and progress of the settlements of the West, teach us not to despise the day of small things. If we cannot raise the means to accomplish the whole at once, let us do what we can. We have not forgotten that we crept before we could walk, and we could walk before we arose to the size and stature of men. Nor do we know, in the history of kindred institutions, even in those whose present gigantic forms are the admiration of the world, that any one appeared at first in their present magnitude. They all passed through the different stages of infancy, youth, and manhood, before they arose to the honorable standing of hoary age.

It is believed that a sufficient sum may be raised to commence, if not complete, the preparations for the Manual Labor System, as soon as the public mind is sufficiently awake to the importance of the subject; and this will be the case, as soon as the public see what is *palpably true* in reference to it. The inhabitants of this county alone, if so disposed, could raise the amount, and in a very few years reap a benefit of more than 200 per cent. in the value of their estates, the improvement in the mode of raising stock and cultivating the soil, and the consequent increase of the products of their farms.

There are, at this time, perhaps, 19,000 inhabitants in this county, of whom probably two thousand are farmers. Now it is well known that our farmers in general, labor under very serious disadvantages in their agricultural pursuits, from the want of that information science would give them. Every farmer knows the benefit of a good coat of manure on his land; and he knows also, that sometimes the manure does not produce the same effect it does at others. If, therefore, he knew how to make manure so as to suit every kind of soil, and suit the crop to the soil, and the manure to the crop, he would save the labor and gain in crops perhaps *fifty dollars* a year.

A distinguished citizen of Massachusetts, who is also a practical agriculturist, says, that "in that State there are about 400 townships. In each of these townships there are at least *one hundred* farmers who experience an average loss of *fifty dollars* each, per annum, in consequence of lacking that chemical knowledge necessary for the judicious mixture of manures, and adapting them to the different kinds of soils, in order to obtain the greatest product, from the culture of different grasses, grains, and vegetables. I have not a doubt," he says, "that the farmers in this State annually sustain a loss of \$2,000,000, for the want of that knowledge of the practical uses and application of chemistry, geology, &c. which they might obtain in a Manual Labor Institution, and which most of them could not afford to procure elsewhere."

Again it is a well known fact that the breed of horses, cattle, hogs, sheep, &c., in this county are not of the most valuable kind; and as it would cost no more to raise animals of good quality, than those of poor, the farmer by improving the character of his stocks might be the gainer annually, of from *fifty to one hundred*

dollars, and in some instances even to the value of several hundred dollars; but by *not* thus improving, they of course sustain a loss of the same amount.

In addition to these items, we may enumerate the losses sustained from having a poor quality of fruits, grain, vegetables, &c. Good fruit requires no more cultivation, and occupies no more ground, than poor; and the same may be said of grains, grasses, and vegetables. But the difference in the *value* of a crop of good or bad quality is certainly very great. The apples which grew on less than one acre of ground, being of a superior quality, brought in the New York market \$300, while the same amount of fruit, of ordinary quality would not have brought \$100. If a farmer raises 1000 bushels of wheat of a quality which will demand in market *six cents* per bushel more than ordinary wheat, he will gain *sixty dollars* in the value of his crop. If the difference in price should be *twelve cents* per bushel, the value of the crop would vary *one hundred and twenty* dollars. And the loss or gain in all these cases, depends on the ignorance or knowledge of the farmer, in reference to the best mode of cultivating the soil. And taking all these things into consideration, after making sufficient deduction to be safe, and without undervaluing in the least the intelligence of our worthy farmers, under the present state of the agriculture of our country; it is presumed that on an average they lose, in the value of their crops, fruits, horses, cattle, &c. at least \$50 per annum, which would make the annual amount of loss sustained by this county, equal to the whole wants of this Institution, to place it in the most favourable and flourishing circumstances.

But if our *two thousand* farmers would give on an average only *ten dollars*, the amount necessary to put the Manual Labor System into complete operation, would at once be secured. And then, if they in return, should so improve in their agricultural knowledge as to save but *ten dollars* per annum, instead of fifty, and that not under *five or ten years*, it would be the most profitable stock ever invested. But the Institution does not confine its expectations of support to this county, nor will the benefits derived from its successful operation be confined to these bounds. The neighboring counties, both in Pennsylvania and Ohio, are expected to share largely in the benefits, and it is most confidently expected that they will share largely in the contributions necessary for its support.

It is not necessary that every farmer should attend the College himself, to acquire a knowledge of these improvements in agriculture. This knowledge will be disseminated in different ways.

1. The College farm will be conducted on the most approved plan, and the farmers in the neighborhood, will be able to observe and profit by it.
2. The location of the College at the seat of justice for the county, will give the farmers of the county an opportunity, when they attend Court, or visit the town on other business to visit the farm, and notice the mode of its cultivation.
3. It is hoped that every township in the county will furnish more or less students, who wish to obtain a good English, if not classical education, and will return to their farms scientific agriculturists, and from these, all in their immediate neighborhood may learn the improvements of the day.
4. These improvements may, and no doubt will, be published in the county papers, which will give them general circulation. All which means of dissemination, will in a few years, greatly improve the mode of cultivating the soil, improving the stocks, &c.; and the farmer will of course be the gainer annually to a considerable amount.

The farmers of the surrounding country will derive a very considerable benefit from the system, in another particular. They will not only learn the best mode of cultivation; but as the College farm will be furnished with the best breed of horses, cattle, &c., and the best kinds of seed, and an extensive nursery of the best kind



of fruit trees, they may be supplied with facilities for *practical* as well as *theoretical* improvement.

In contemplating the advantages the country will derive from this system, we must not lose sight of the *mechanical* department. The most casual observer must see, that, as improvements in mechanism are made, and the facilities of business increase, the price of manufactured articles decreases, and at the same time the profits of business advance. In proof of this we need only look at the domestic goods and wares offered to us by our enterprising merchants. Cloths can be had for but little more than the cost of the raw material. How is this? Why, the improvements in labour-saving machinery, which science has discovered and brought into operation, have produced this astonishing effect. The same may be said of almost every article of consumption and of convenience now in use. Axes, hoes, rakes, scythes, ploughs, tubs, pails, churns, &c., are now to be had much cheaper and of better quality, than they could a few years since. This principle will apply to all kinds of mechanism, and in the same proportion in which it applies, the farmer and other consuming citizen is benefitted by it.

The improvements in commercial intercourse by means of roads and canals, and steamboat navigation, brings the farmer nearer to market by placing it within his reach at less expense and trouble than before, and consequently enhances the value of his produce; all which are among the benefits the country derives from science; for it is science that has done it. But the science which produces such happy consequences is taught in Colleges and Universities, which are dependent on the liberality and munificence of the public for their existence and support.

Another advantage which may be derived from the system under consideration; which too, is of the highest importance to the community; is the facility with which the citizens of the surrounding country may have their sons educated, and the advantages to be derived from the education. By affording an opportunity for students to labor, they not only preserve their health and morals, but they earn something by which to defray a part of the whole of the expenses of their education.

In the *Maine Wesleyan Seminary*, "the students generally pay their board by their labor; some pay all their expenses; and some even do more than this." In the *Oneida Institute*, "the students pay their board by their labor. Some do much more."

In the third annual report of the Cincinnati Lane Seminary, we have the following statement of facts, which give a clear and practical view of the benefits of the system.

"Fifty of the best farmers earned $5\frac{1}{2}$ cents per hour each, and worked upon an average 16 hours per week; average amount earned, allowing each to have worked during the whole 40 weeks' sessions,	\$35 20
"Those who worked the regular 18 hours per week, earned	40 00
"Several of the above have earned during the vacation by farming, teaching, agencies, or otherwise,	40 00
"Twenty eight of the best mechanics earned upon an average, $8\frac{1}{2}$ cents per hour, and worked 16 hours per week; average amount earned, allowing each to have worked during the whole 40 week's sessions,	54 80
"Those who worked the regular 18 hours per week, earned	61 21
"Some of the above earned during the vacations,	40 00
"Seven regularly trained mechanics earned $12\frac{1}{2}$ cents per hour; average time of labor per week, 16 hours; amount earned, allowing each to have worked the whole forty weeks,	80 00
"Those who worked the regular 18 hours per week, earned	90 00

"Such of the above as worked during vacation, earned 50 00

"Though numbers of the lads of the institution, and others not accustomed or disposed to habits of activity, have earned not more than from *one to four* cents per hour, and of course will not expect the important pecuniary results before us; yet, the above statement gives cheering evidence of what may be done by young men of active, energetic, and laborious habits; and inspires the hope that the day may not be far distant when by the increasing improvements and success of Manual Labor Institutions, the means of self-education shall be placed in the hands of all young men who have sufficient force of character to obtain or be benefitted by a thorough education."

The operation of the Manual Labor System, is not confined to the Institution itself, its practical effects and pecuniary benefits may be exhibited by the student on the road to and from their places of instruction. Thus several young men who were educated in the Oneida Manual Labor Institution, in New York, wishing to enter the Lane Seminary at Cincinnati, instead of taking the stage and steam boat, as most young men would have done on a similar occasion, they took their packs on their backs and travelled on foot to Olean at the head of the Allegheny river, hired themselves out on rafts, and descended the stream about 800 miles, and received each \$22, to help him to an education, instead of having spent that sum for travelling fees.

This System does not contemplate so much a *direct* reduction of the expenses of education, but an *indirect* one. The board, tuition, and other incidental expenses of students must be paid in these Institutions, as well as others. But the excellency of the System consists in a provision by which the students may earn enough to pay a part of the whole of these expenses, at the same time he is pursuing his studies. And in addition to the advantage he will derive from the preservation of his health, guarding his morals, and contracting habits of industry; he will in many or most instances form a character for usefulness, and lay the foundation of future wealth and honorable affluence in life.

But while the labor student is thus enabled to pay a part, or the whole of his expenses; the system contemplates *also* a reduction in the expense of board, both from this *kind*, and the *mode of obtaining* it; which renders it still more easy for him to meet the expense by his labor. Such students as live high, and "fare sumptuously every day," must expect their expenses to be accordingly. But such as are willing to subsist on the most simple diet, (which, indeed, is admitted to be the most healthy for *studious* persons,) may reduce the expense of their board to a mere trifle. In most of the Labor Institutions the price of board is from one dollar, to one dollar and a half per week, when taking with the families of the department; but when students *club* together in a room, furnish it themselves, and prepare their own food, the price of their board has been reduced in some instances to *fifty cents* per week, and some times even lower. At present, several students in this College find employment enough with the mechanics in the village to pay their board, and a number more can be accommodated in the same way.

This system above all others should be encouraged, because it is so completely adapted to the wants, genius, and institutions of our country. The safety of our Republic, is admitted to depend upon the general erudition of the people, and no system heretofore extant has offered such facilities for the purpose, as this. The old systems confine the advantages and consequent influence of education to the wealthy, which tend strongly towards aristocracy. But this system opens the door to science and its consequent influence, to every member of the community whose taste and industry is sufficient for its acquisition. And what is remarkable, and at the same time encouraging to the Manual Labor



Student, is the fact, that men who obtain their education in this way must have genius and enterprise; and these are so disciplined and matured, and habits of industry so formed at the time, and from the manner, in which they receive instruction, that they have in many instances become the most eminent in their professions, and the most successful and useful in their business.

Perhaps some of our farmers and mechanics may object that they do not wish to make lawyers, doctors, or preachers of their sons, and therefore have no interest in the Institution in a literary point of view. But learning is not, and should not be confined to those professions. And it is highly improper that it should be so, unless the people wish to establish an aristocracy, and endanger the stability of our happy Republic. Learning is power: for the learned man has a greater share of influence than he would have without learning. Therefore, to confine learning to those professions, is anti-republican. The farmer and mechanic should be learned. They have particular need of it in a country like ours, where every man is eligible to office, if qualified for it. If the farmer or mechanic has the advantages of education, he can make the better Magistrate, Constable, Sheriff, Commissioner, Assemblyman, Congressman; nay, he may be fit for Governor, or President of the United States. These offices often fall into the hands of lawyers, doctors, and sometimes preachers, not because, as men, they are any better than other men, but because their education renders them more competent for the duties of the offices than others. But let farmers and mechanics educate their sons, and though they should follow the plough like Cincinnatus, or hammer the leather like Sherman, or handle the type like Franklin; yet, being learned, they are qualified for office, and may like the above named worthies, be called by the voice of the people from their domestic employments, to wield the destinies of the nation, or guide the helm of State.

In carrying the system into practical effect, a question naturally arises as to the *best mode* of applying the avails of the students' labor to his benefit. Some institutions give a week's board for so many hours' labor. But this is found not to be the better way. It exposes the student to temptations to idleness, and inattention to business, and to *while away time* to little amount, only so the *time is spent*, and be neither profitable to himself or his employers. At other institutions the student is required to do a certain amount of work for a given sum, (where the nature of the work will admit of it,) which has proved, by experience, to be the best. The student is thrown upon his own resources, his ambition is spurred, he learns to provide for himself, and is sent into the world not only a man of science, but a man of business; which is one of the great objects of the system. And when once left to the resources of his own genius and industry, he may extend his hours of labor so as to include *all* the time he can spare from his books; and by laboring during vacations, and other spare days, he may obtain the means of defraying the whole of his expenses, as the above extract from the Cincinnati Lane Seminary, abundantly proves.

Another question naturally arises, that is, in reference to the *time* to be employed in labor. In the Maine Wesleyan Seminary the students labor *five hours* per day. In the Oneida Institute, and in the Cincinnati Lane Seminary, they labor *three hours* per day. In several Institutions they labor *four*, and in some, where labor is introduced merely for healthful exercise, *two hours* is adopted. But your committee are of opinion that *three hours* per day for labor will be the most appropriate to the greatest proportion of the students who may wish to attend the Institution. It is probable that some would be desirous, if not under the necessity, of laboring enough to defray *all* their expenses; but others would not; it would therefore be most advisable to establish the hours of labor to meet the wishes and interest of the majority, and to fix upon

such portion, or portions of the day for it, as will best suit the convenience of the faculty, and the improvement of the students.

It has been thought by some to be inexpedient to have *two* classes of students in the same Institution, one to labor and the other not; lest it should create envious distinctions, and retard the studies of the laborer by throwing discouragements in his way. But the trial of the case in the Maine Wesleyan Seminary has demonstrated that these fears are groundless. Indeed, the present popularity of the Labor System, gives a greater share of credit to the young man who has genius and enterprise enough to work his way through a Literary Institution, than to one who depends entirely upon his friends for support. And if it was otherwise, your committee have doubts whether it would be in accordance with the charter of this Institution to exclude students who do not wish to labor, in as much as the charter was granted before the Labor System was generally adopted, and of course with a view to establish a classical school of the ordinary character. But while the usual privileges are given to monied students, there can be no legal objection to extending the privileges of the Institution to those who labor for their support.

But the great and momentous question is yet to be answered, whence shall we obtain funds to effect all these benevolent purposes? The most reasonable answer would be, to say, from those who may expect to be benefitted by it, and this would include the whole community of the surrounding country. But experience has long since taught that benevolent institutions depend on benevolent individuals, and benevolent governments for their support. We may, therefore, look for aid,

1. From the State. We look for this, (1.) because this College is, in a great degree, the creature of the State, and all that the State has bestowed upon it is useless to the community, unless enough now be added by some means to put the institution into successful operation. (2.) because the benefit to be derived from the Institution when in successful operation, is such, as to interest *all the northwest part of the State*; which renders it an object of *public munificence*. (3.) Because it is acknowledged to be the best policy of the government to encourage literature and universal education, in order to suppress crime, promote virtue, and thus perpetuate our republican Institutions; and no opportunity is offered or can be offered at the present, to extend the benefits of this policy to this section of the State equal to the one now offered, in the liberal patronage and support of Allegheny College.

2. We look for aid from the liberal and benevolent in the vicinity of the College, who may expect to derive, as it were, a double benefit from it, and who may be waited on by the College agent for that purpose.

3. We expect aid from other liberal and benevolent individuals who are more remotely situated, and who expect no other benefit from the Institution, than to do good to their country, and fellow men, by contributing to facilitate the education of the youth of our land.

4. And finally, we hope that our infant institution will share in the bequests and liberal donations of distinguished friends of education, who wish like Abel, to "speak when dead," and to act in the best causes long after they cease to breathe on the busy theatre of human action.

In conclusion, your committee would offer for adoption, the following resolutions, viz:

1. That the board deem it highly expedient to attach to the college, the justly celebrated manual labor system, thereby to facilitate the education of the youth of our land, and send them into the world with vigorous constitutions, correct morals, and business habits, as soon as funds can be obtained to accomplish the object.

2. That subscriptions be opened, and donations solicited from the friends of the system, for this especial purpose; and that the College agent, the Rev. Joseph



S. Barris, and all the members of the Pittsburg annual conference of the Methodist Episcopal Church, who are authorised to solicit and receive donations for this College, be and are hereby authorised to make special requests, and keep separate subscriptions in favor of the manual labor department of this institution.

3. That a memorial be presented to the legislature of this state, setting forth the debts which now lie against the institution, and which greatly embarrass it in its present infant struggle to go into operation; together with the wishes of the board and the friends of the institution throughout this community, to append to it a farm, mechanic shops, &c., for the purpose of carrying into effect the manual labor system of tuition, and earnestly solicit such aid and assistance, as the wisdom and munificence of that honorable body may direct and grant.

All which is respectfully submitted.

A. BRUNSON, Chairman.

Meadville, October 7, 1833.

The Board of Trustees of Allegheny College being met at their semi-annual meeting, the foregoing report and resolutions were read, adopted, and 1000 copies ordered to be printed.

DAVID DERICKSON,  
Secretary Board Trustees, A. C.

Since the adoption of this report, *forty-two* acres of land have been purchased in the vicinity of the college, which, when added to the *ten* before owned, makes fifty two acres to begin the labor system with. This purchase has been made on a credit, in hopes the friends of the system will contribute enough to pay for it, and erect the necessary buildings.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Tuesday evening, October 24, 1833.

### SELECT COUNCIL.

After some unimportant business, Mr. Worrell presented a petition from the citizens of the Rittenhouse Square, requesting that trees be planted in that square, and with reference to the paving of certain streets in that region. That part relating to the square was referred to the committee on that subject, and the other items referred to the Paving Committee.

A message was received from Common Council enclosing a report of the Library Company, in which, on motion of Mr. Meredith, the Select Council concurred.

The following communication from Paul Beck, jr. was received and referred to the Paving Committee, with power to act:

PHILADELPHIA, Oct. 24, 1833.

Gentlemen,—Being now ready to pave Delaware Avenue, as well as the foot path, at the corner of Pine street and the wharf, the entrance to the Culvert must of necessity be removed a few feet further west—the same being now in front of Delaware Avenue. I therefore request the favour of Councils to take order thereon as speedily as possible, and oblige their humble servant,

PAUL BECK, JR.

On motion of Mr. Price, the clerk was ordered to read the items of unfinished business, in obedience to which order they were accordingly read, and referred by Councils to the appropriate committees.

On motion of Mr. Meredith, the clerk was ordered to read the "Supplement to the ordinance relative to the management of Wills' Hospital," after which, on motion of Mr. M. the further consideration of the subject was postponed until the next meeting of Councils.

A resolution was introduced, instructing the Building Committee of the Girard College to cause a vault

to be constructed on the premises of that edifice, in the most durable and substantial manner, for the reception of the remains of Stephen Girard; and furthermore, that the committee be directed, as soon as may be, to cause the remains of the said Stephen Girard to be transferred thither. The resolution was adopted in the Select Council, and on being sent to the Common Council, was concurred in by that body.

A resolution was read and adopted, that a joint committee, consisting of the President and two members of each Council, be appointed to consider whether any alteration should be made in the standing and joint committees of Councils. This resolution was concurred in by the Common Council.

### COMMON COUNCIL.

The President presented a communication and report from Joseph McIlvaine, Recorder; John Swift, Mayor, and Joseph Watson, late Mayor, Commissioners, appointed to digest a new system of City Police, embracing their views on the subject. [Will be found on page 281.]

Mr. Chandler moved to accept the report, and appoint a joint committee of three from each Council, to prepare an ordinance based on the recommendations of the Commissioners. In the Select Council, a resolution was adopted, requesting the Commissioners to prepare an Ordinance, &c. Common Council refused to concur.

Mr. Chandler from the Library Committee, to whom the subject has been referred, reported a resolution authorizing the purchase from Thomas Desilver, of 200 copies of the will of S. Girard, which was adopted, and concurred in by Select Council.

Mr. Gilder presented a petition praying for the paving of Schuylkill Third and Fifth streets, between Market and Spruce streets; also that Rittenhouse Square may be planted with trees. Referred to Paving Committee, and Committee on Rittenhouse Square.

Mr. Gilder, from the Paving Committee, to whom the subject had been referred, reported unfavorably on the petition of the Widow's Society, praying for remuneration of loss sustained by an alteration in the regulation of the street, on which the institution is erected, the applicants labouring under a mistake in regard to the alteration. Report adopted, and the committee discharged.

Councils went into an election for members of a special standing committee of accounts to audit the accounts of the Girard estate. Messrs. Price, Jackson, and Groves, of the Select, and Messrs. Toland, Yarnall, and Wright, of the Common Council, were chosen.

The ordinance from Select Councils, appropriating \$40,000 from the Girard Fund, to the improvement of city property, was taken up, considered and passed.

### A LIST

Of the Standing and Joint Committees of Councils, for 1833—34. Ordered to be annually published for the use of the Members, by a Resolution passed the 10th January, 1828.

\* \* The name of the Chairman of each Committee is printed in *Italics*.

### STANDING COMMITTEES.

#### *Watering committee.*

Messrs. <i>Wetherill</i> , Lewis, Groves, and Jackson.	S. C.
Byerly, M <sup>l</sup> Mullin, Lancaster, and Smith.	C. C.

#### *Committee of Ways and Means.*

Messrs. <i>Lippincott</i> , Lewis, and Meredith.	S. C.
Chandler, Toland, and Firth.	C. C.

#### *Paving Committee.*

Messrs. <i>Gilder</i> , Byerly, Hutchinson, and Robbins.	C. C.
Worrell, Neff, M <sup>l</sup> Credy, and Wetherill.	S. C.



*Committee of Accounts.*

Messrs. Toland, Wright, and Montelius. C. C.  
Lippincott, Groves, and Price. S. C.

*Committee on Markets.*

Messrs. Yarnall, Warner, and Darrah. C. C.  
Worrell, Eyre, and McCredy. S. C.

*Committee on the Sinking Fund.*

Messrs. Lippincott, Eyre, and Jackson. S. C.  
Huston, M'Mullin, and Montelius. C. C.

*Committee on Library.*

Messrs. Chandler, and Schott. C. C.  
Lewis, and Price. S. C.

*Committee on Fire Companies.*

Messrs. White, Warner, Wright. C. C.  
Groves, Worrell, and Wetherill. S. C.

*Committee on Franklin's and Scott's Legacies.*

Messrs. Worrell, and Wetherill. S. C.  
Firth, and Darrah. C. C.

## JOINT COMMITTEES.

*Committee on Franklin Square.*

Messrs. Wright, and Robbins. C. C.  
Groves, and Meredith. S. C.

*Committee on Washington and Rittenhouse Squares.*

Messrs. Chandler, and White. C. C.  
Eyre, and McCredy. S. C.

*Committee on Logan and Penn Squares.*

Messrs. Huston, and Gilder. C. C.  
Lippincott, and Price. S. C.

*Committee on the State House and Independent Square.*

Messrs. Smith, and Schott. C. C.  
Worrell, and Lewis. S. C.

*Committee on Will's Legacy.*

Messrs. Lippincott, Neff, Groves, and Worrell. S. C.  
Huston, Yarnall, M'Mullin, and Robbins. C. C.

*Committee on Drawbridge Lot.*

Messrs. Darrah, and Lancaster. C. C.  
Worrell, and Eyre. S. C.

*Committee to take charge of Chestnut Street, Mulberry Street, and Sassafras Street wharves.*

Messrs. Warner, and Wright. C. C.  
Neff, and Jackson. S. C.

*Committee on the continuation of the Philadelphia and Columbia Rail Road along Broad Street.*

Messrs. Groves, Neff, and Lewis. S. C.  
Toland, Robbins, and Kirk. C. C.

*Committee on Delaware Avenue.*

Messrs. Neff, Worrell, and Meredith. S. C.  
Gilder, Montelius, and Lancaster. C. C.

*Building Committee of Girard College.*

Messrs. Gilder, Byerly, Smith, and Hutchinson. C. C.  
Worrell, Lippincott, McCredy, and Neff. S. C.

*Committee on Improvement of Chestnut Street Wharf, on Schuylkill.*

Messrs. Worrell, Groves, M'Credy, and Price. S. C.  
Gilder, Toland, Hutchinson, and Kirk. C. C.

*Committee on Girard Lands out of the city and county of Philadelphia.*

Messrs. Groves, Lippincott, and Neff. S. C.  
Toland, Gilder, and Huston. C. C.

*Commissioners of the Girard Estates.*

Messrs. Lippincott, Lewis, Eyre, and Meredith. S. C.  
Troth, M'Mullin, Chandler, and Huston. C. C.

## Extract from the Minutes.

ROBERT HARE, JR.  
Clerk of the Common Council.

From the Commercial Herald.

## BANKS.

<i>Banks.</i>	<i>Chartered in.</i>	<i>Capital.</i>	<i>Amount paid in.</i>
North America*	1781	1,000,000	1,000,000
Pennsylvania	1793	2,500,000	2,500,000
Philadelphia	1803	2,000,000	1,800,000
Commercial	1814	1,000,000	1,000,000
Farmers' & Mechanics	1814	1,250,000	1,250,000
Mechanics	1814	1,000,000	700,000
Schuylkill	1814	1,000,000	700,000
Northern Liberties	1814	500,000	200,000
United States†	1816	7,000,000	7,000,000
Southwark	1825	250,000	250,000
Kensington	1826	250,000	200,000
Penn Township	1828	300,000	200,000
Girard	1832	1,500,000	1,500,000
Western‡	1832	500,000	400,000
Manufacturers' and Mechanics', N.L.	1832	300,000	240,000
Moyamensing	1832	250,000	125,000
Total		\$20,600,000	\$19,065,000

\* The oldest Bank in the United States, established by Robert Morris.

† One-fifth of the Capital—supposed to be the amount belonging to this City.

‡ The last instalment to be paid 15th November.

|| Two instalments to be paid 11th November.

## INSURANCE COMPANIES.

<i>Names.</i>	<i>Chartered.</i>	<i>Capital.</i>
Philadelph'a Contributionship,*(Fire)	1752 } †	
Mutual Assurance, (Fire)	1784 }	
North American Marine and Fire,‡		
(Fire and Marine)	1794	\$600,000
Insurance Company of Penn. (Marine)	1794	500,000
Union Insurance, (Marine)	1803	300,000
Philadelphia Insurance, (Marine)	1804	200,000
Phoenix Insurance, (Marine)	1804	480,000
Marine Insurance	1809	300,000
United States, (Marine)	1810	200,000
American Fire	1810	500,000
Life Insurance, (Lives)	1812	500,000
Delaware Insurance, (Marine)	1813	200,000
Fire Association	1820	
Pennsylvania Fire	1825	400,000
Atlantic Insurance, (Marine)	1825	300,000
Franklin Fire Insurance	1829	400,000
American Insurance, (Marine)	1831	200,000
County Fire Insurance	1833	400,000
Total		\$5,480,000

\* The oldest Fire Insurance Company in the United States.

† These companies make no dividends. Every person insuring becomes a member. The Contributions' funds amount to \$320,000, including risks. Those of the Mutual Assurance to \$280,000.

‡ The oldest Marine Insurance Company in the United States.

|| Composed of 45 Engine and Hose Companies. Their funds amount to more than \$100,000.

Making the total amount, invested in the different Insurance Companies, six millions one hundred and eighty thousand dollars.—*Commercial Herald.*

## TURNPIKE ROADS.

We have ascertained the cost of the following Turnpike Roads, in the vicinity of Philadelphia, and the periods at which they were first opened to travellers. A table, showing the amount of toll received, and the annual



expenses of some of these improvements, will be found below:

<i>Names.</i>	<i>When completed.</i>	<i>Miles in length.</i>	<i>Original cost.</i>
Lancaster Turnpike	1795	62	464,142 31
Germantown & Perkiomen	1801	25	285,000 00
Frankford and Bristol	1803	28	209,000 00
Cheltenham & Willow Grove	1804	10½	80,000 00
Chestn't Hill & Spr'g House	1804	7	70,000 00
Ridge Road	1812	23½	176,000 00
Manayunk and Flat Rock	1830	1½	16,000 00

Total, 157¾ \$1,300,142 31

<i>NAMES.</i>	<i>Toll received in 5 years, viz: 1835, 26, 27, 28, and 29.</i>	<i>Expenses of repairs for 5 yrs without salaries.</i>	<i>Average cost of toll per mile, each year.</i>	<i>Average cost of repairs, each year.</i>
Lancaster	148,740 74	51,912 69	479 81	167 46
Germantown & Perkiomen	100,557 98	31,661 63	804 46	253 29
Cheltenham and W. Grove	33,743 10	8,639 08	642 72	164 56
Frankford and Bristol	58,093 92	10,795 91	414 95	77 11
Ridge Road	51,261 93	36 179 96	436 37	308 00

[See Reg. Vol. II. p. 298, and Vol. V. p. 398.]

*Commercial Herald.*

#### From the Somerset Whig. FIRE AT SOMERSET.

After about half of our papers of last week were worked off, a most shocking calamity befel our town. About half past 2 o'clock on Wednesday morning last, (16th instant,) the cry of fire was heard in our streets. It was discovered to be in a house owned by J. F. Cox, & James Armstrong; and occupied in part as a dwelling and in part by several mechanics as shops. Where the fire first originated cannot be correctly ascertained, — further than it was either in a cabinet maker's or a hatter's shop. In a few moments we had presented before us an awful conflagration. The flames spread with inconceivable rapidity, east, north and west, and notwithstanding the most energetic exertions were made to subdue it, its progress was not arrested until twenty dwelling houses, fifteen shops and offices, three stores, two taverns in one of which was kept the Post Office, and a number of stables, smoke houses, and other back buildings were destroyed. From main-cross street in the diamond of the town west to the cross-street at Judge Kurtz's, every building in front has been consumed, together with the greatest part of the back buildings.

The fire reached the diamond about day light, and for a time all hopes of saving that part of the town east of main cross-street seemed desperate: there was a strong current of air from the S. West, and if one building on the east side of the Diamond had taken fire all must inevitably have been consumed. But here, as with the same impulse, all the citizens made one united and powerful effort, nothing that could be done by united strength and concentrated action was left undone, and finally after a hard struggle the progress of the flames were arrested by the most vigorous and powerful exertions that were perhaps ever made under the same circumstances in a case of the kind. It was stopped in the west with less difficulty in consequence of the wind not favoring its progress in that direction and on the north for want of buildings to consume.

#### REPORT OF THE Committee of Distribution.

A list of the names of those who were sufferers by the late conflagration in Somerset, as far as the under-

signed, a committee of distribution, &c. have at present ascertained the same, viz:

Samuel Stahl, Hatter, loss—One large dwelling house and hatter shop—also some personal property.

Samuel Nedrow, Blacksmith, loss—All his personal property and tools.

Philip Anthony and three Daughters, loss—All their personal property.

Elijah Horner, Cabinet maker, loss—All his personal property and tools—also a small confectionary.

John Armstrong's Estate, loss—Three houses.

David Williamson, Stone cutter, loss—his tools and some work finished.

Neff & Stahl, Merchants—Large store and dwelling house, Barn and granary—also part of their merchandize.

George Chorpenning—One large new brick house, intended for a tavern stand, and one frame house and ware house—also two offices and a large amount of personal property.

John L. Snyder, Merchant and Druggist—one large new brick house—also considerable merchandize and furniture.

Jacob Snyder, Esq.—Two frame houses and part of his personal property.

Charles Ogle, Esq.—One large tavern stand occupied as the Stage Office, &c. by J. Webster.

John Webster, Post Master—A variety of personal property.

Clifford Elder, & Co.—One dwelling house—also one Saddler, one Tinner and one Hatter shop—and part of his personal property.

George Pile, Esq.—One dwelling house and tavern stand.

Samuel C. Pile, Innkeeper—part of his personal property.

John Houpt, Saddler—Some personal property and stock.

C. W. Michaels, Merchant—\$300 in cash.

Michael Hugus' Estate—One large dwelling house, formerly occupied as a tavern stand—also one Saddler shop and office.

John Witt, Esq. Sheriff—One dwelling house and part of his furniture.

John Kurtz, Esq.—One dwelling house and Druggist including medicines.

Martin Shaffer, Hatter—All his personal property.

Joshua F. Cox, & James Armstrong—One large dwelling house, hatter shop and stable.

Cephas Gillet, Hatter—Considerable stock and hats—also his account books.

Jacob Glessner, Cabinet maker—A large assortment of tools and a considerable quantity of valuable furniture.

William Philson—All his personal property—also notes, accounts, &c.

Danl. Bauchman, Shoemaker—One dwelling house and stable—also part of his stock and personal property.

John Neff—Considerable personal property.

Gilbert & Snee, Shoemakers—All their stock and tools.

Rev. John Tiedemans' Estate—One house and stable.

Henry Marteeny—One dwelling house.

Thomas Crocket, Chairmaker—All his tools.

Leonard Stahl, Chairmaker—A considerable quantity of chairs.

The above is a true statement of the number of sufferers as far as said committee have derived information. Owing to the excitement, confusion, &c. incident to such an extraordinary catastrophe, it is impossible for the committee, at this period, to give a more particular, or specific detail.

ISAAC ANKENY,  
JOSEPH IMHOFF,  
SAMUEL G. BAILEY,  
HENRY BENFORD.



From the United States Gazette.

# POLICE REPORT.

*To the Select and Common Councils of the City of Philadelphia.*

The undersigned, Commissioners appointed by resolution of the Select and Common Councils of Philadelphia, "for the purpose of devising a new and more efficient System of Police for the protection of the City, in obedience to the Will of Stephen Girard," respectfully submit the result of their labours and deliberations.

The executive Police of the city, as at present constituted, embraces the following officers:—

1. Four High Constables, appointed annually by the Mayor, having by ordinance "all the powers and authorities which a constable can exercise by the common law, or by any act of Assembly, or City Ordinance." By a further section of the same ordinance, (March 29th, 1798) it is made the particular and especial duty of the High Constables to walk through the streets, lanes and alleys of the city daily, taking such rounds as that, in a reasonable time, they shall visit all parts of the city, and examine and arrest all vagrants, beggars and disorderly persons; to report all nuisances, obstructions and impediments in the streets, lanes and alleys; to give notice to the Mayor of all offences against the laws and ordinances, and of the names of the offenders and witnesses; to superintend generally the execution and enforce obedience to all ordinances and laws; and to do and perform all such other matters and things as the Mayor, Recorder, or any Alderman shall reasonably require, touching the order, regulation and policy of the city.

3. A Captain and Lieutenant of the Nightly Watch, with 111 watchmen under their command, the city being divided into two districts, of which the eastern is under the charge of the captain, and the western of the lieutenant. These watchmen are mustered at the watchhouse of the proper district every evening at half past nine o'clock in winter, and half past ten o'clock in summer. The roll being called, absentees marked, (and substitutes provided for the absent) they are dismissed to their respective beats, on which their duty begins at ten or eleven o'clock, according to the season. For each beat there is a watch box, into which the watchman, after making his round, is permitted to retire. One round is made in each hour, and does not occupy more than thirty minutes. At dawn of day they again muster at the watchhouse, and are dismissed until the next evening, except such as have arrested prisoners during the night, who are required to attend at the Mayor's office.

The captain and lieutenant remain, for the most part, at their respective watchhouses during the night, to receive and examine prisoners, of whose names and the charges against them they make daily report to the Mayor. They have little opportunity to visit the separate posts during the night, or to inspect the conduct of individual watchmen.

3. Twelve officers, called City Policemen, originally instituted about three years ago to supply the place of the silent watch, which was then abolished, and to perform other duties, under the direction of the Mayor. In practice, eight of these officers are assigned to night, and four of them to day duty. Those on night duty make the round of the city in pairs, at irregular intervals, to observe the conduct of the watchmen, and to note all delinquencies and neglect of duty, of which they render a daily report to the Mayor. By this arrangement it is obvious that each pair has under its supervision one-fourth of the whole city. The four assigned to day duty, attend habitually at the Mayor's Office to serve process, aid the high constables, and perform such other service as may be required.

A glance at this arrangement of our Police, must suggest one radical and fatal objection, namely: that of

129 persons employed and paid by the city for Police purposes, 121 are confined in their duties to the hours which intervene between ten and eleven at night and daylight in the morning; while during the remainder of the time eight persons only are habitually upon duty. Upon those eight persons devolves the whole business of executing process from the Mayor's Office, reporting breaches of City Ordinances, removing nuisances, arresting felons, recovering stolen property, and protecting the city and citizens during the day, and throughout the busy and active portions of the evening. To the complaints, therefore, which are frequently and justly made, of ordinances unexecuted, nuisances accumulating, disorders and riots in our public streets, and of insults and violence towards helpless and unoffending passengers, a reference to this fact would furnish at once an answer and apology. But we go still further. Practice, founded upon inevitable necessity, has given to the office of High Constable a character totally different from what was originally contemplated by the Ordinance of 1798. That ordinance contemplated that his services should be mainly directed to the preservation of general good order and the enforcement of municipal regulations. Since its enactment the condition of the city and of society have undergone great changes, and it has become necessary that in every large town there should be several intelligent and experienced men devoting their time and skill to the pursuit and arrest of the higher order of offenders—the robbers, housebreakers, pickpockets, counterfeiters, and other felons, whose daring and dexterous exploits contribute a column to every newspaper, and who, by an astonishing increase of the facilities of travel, are enabled rapidly to move from one end of the continent to the other. In the city of Philadelphia this duty has necessarily been assigned to the High Constables, there being no other officer on whom it could devolve. It is a duty having no natural affinity with those enumerated in the ordinance, and indeed by its influence upon the habits and tastes of the officer, almost incompatible with them. The same remarks apply to the four City Policemen on day duty, who are frequently engaged as assistants to the High Constables. It follows then that even the very limited force to which all the police business of the day and evening is at present entrusted, can be expected to give but a small portion of their time to those important general objects which embrace the preservation of social order and the enforcement of local regulations.

From the foregoing remarks it will be perceived that a primary and radical objection to the present system of Police, in the estimation of the Commissioners, is its inadequate provision for the preservation of the public peace, the protection of the citizens, and the prevention of crime, during the hours of daylight and of the evening, and for the due execution of those ordinances upon which the health, comfort and good order of the community so much depend.

Looking next to the City Watch, and reasoning from the best lights of observation and experience, we are compelled to pronounce it inadequate even to the limited service at present expected, and consequently incapable by any extension of its duties of supplying deficiencies in other branches of the Police. Among the serious objections to that institution the following deserve particular attention:—

1. That the watchmen derive their appointments from the City Commissioners, who have no connexion with the Police proper, and are, consequently, not the best judges of the qualifications of the applicant. All such appointments should proceed from the Mayor, as the head of Police.

2. A second objection is, that the watchmen, having no Police duty to perform during the day, are enabled to engage in other occupations, to which many hours of their time are devoted. The evils resulting from this cause are enormous and multiform—sufficient to



destroy the value of any system, however well organized and appointed in all other respects. When public and private occupation are thus intermingled, the mind and feelings will be enlisted for the one, while the mere physical powers are devoted to the other; and there will be a constant tendency on the part of the officer to do as much as possible for himself and as little as possible for the public. To the composition of a good Police officer, intelligence, sagacity, a habit of close observation and patient investigation upon the subjects entrusted to his care, are far more essential than mere personal strength. By the constant exercise of these faculties he becomes master of his business, and qualifies himself for the highest degree of usefulness, so that whatever tends to divert his thoughts into other channels should be carefully avoided.

3. A third objection to our watch system is its total want of judicious organization and necessary subordination and its independence of all effective control.—Each individual from the time he enters on duty until its close is an independent officer, without any one to instruct, advise or direct him. He is subject to no inspection except that of the eight Police officers, who cannot visit his beat in general more than once in a night, and even then have no power but to report actual delinquency. Whether he does his duty faithfully or not is generally a secret within his own bosom. He is constantly tempted to neglect, by the hope that it may not be discovered, whilst the inducements to good conduct are lessened materially by the consciousness that it will probably be unknown to his superiors.

4. As a corollary to the two last objections it follows, that under existing arrangements the head of Police cannot be furnished with constant and regular information of the state of all parts of the city and of the subjects requiring his notice or the exercise of his authority. Without such intelligence regularly and accurately communicated, the chief magistrate cannot execute his office with satisfaction to himself or with signal advantage to the community. In proportion as he can bring the combined intelligence, observation and knowledge of all his officers to bear upon the criminal and disorderly, will his administration be effective. In proportion as this combined action is wanting, will his efforts be loose, desultory and ineffective.

5. A fifth objection to the present system, arises from the arrangement by which one watchman only is assigned to each beat or round; so that he is called upon to protect that District during the whole night. It being obviously impossible for one individual to remain in the open air, so many hours continuously, at all seasons, and in all weathers—watch boxes have been established into which the watchman is permitted at intervals to retire, and where practically he spends at least half the night, and as much more as his sense of duty will permit. The consequence is, that during half the night the city is, for many important purposes without a guard. It may happen occasionally that the uproar of a riot, or the boisterous mirth of a party of revellers, will penetrate the seclusion of the watch box; but the silent operations of the housebreakers, or the thief produce no such effect. In connexion with this subject may be mentioned the absurd practice of calling the hour, a practice which originated when clocks and watches were rare curiosities, and which has ceased to be useful, except as a timely warning to the midnight plunderer to conceal himself, or decamp.

6. It is wrong in principle and injurious in practice, that the watchmen should receive fees or costs for the arrest of persons brought before the Mayor. Cases have probably occurred, in which the desire of a fee has induced the officer to overstep his duty and oppress the citizen. The very possibility of such a thing subjects even the conscientious officer to a constant suspicion of his motives, and injuriously depresses both him and his office in public estimation. A compensation should be fixed, adequate to the decent maintenance

of a family, and the officer should be taught to depend on that alone.

7. The want of grades among the watchmen is a serious defect, preventing the operation of that most powerful of all stimulants, the hope of promotion.

By a combination of the causes thus briefly referred to with others which need not be enumerated, the *morale* of the city watch has been seriously affected, and public confidence in its vigour and efficiency justly diminished. Nor can the fact be concealed from any one who carefully examines the subject; that the large body of men included within that class, perform a very small amount of service, compared with what the public good requires and with the annual expenditure devoted to the object. In expressing this opinion, the commissioners design to pass no harsh censure upon the watchmen as individuals. They regard them as men; governed by the ordinary motives of human action, and condemn a system which holds out numerous and strong temptations to the neglect of duty, with scarcely a check upon those who may yield to the temptation.

From the observations which the commissioners have thus briefly made upon the existing police of the city, it will readily be inferred, that the plan they design to propose in obedience to the resolution of Council, will embrace a radical reorganization of the whole system; and the adoption of important principles not heretofore recognized.

With this object in view they recommend in the first place, that the natural distinction between the two branches of police duty, which they endeavored to explain when speaking of the High Constables, be closely observed, and that those officers (with such assistance as may be found necessary,) be allowed to pursue as their principal duty, the business of tracing and arresting culprits, and executing the process of the Mayor's office. It is not desirable to take from them the further powers conferred by the ordinance of 1798, but only to regard the duties arising therefrom as of incidental, not primary obligation.

One branch being thus disposed of, it is proposed to vest all the other duties, including the enforcement of municipal regulations and the general preservation of the public peace by day and night, in a well organized *Preventive Police*, sufficiently numerous for the purpose, and so regulated as to give to that number of men the utmost practicable efficiency. The body thus constituted will have under its especial and constant guardianship by day, as well as by night, the lives; property and persons of our citizens; will be responsible for the preservation of the public peace, the suppression of nuisances moral and physical, the arrest and detention of all persons found actually offending, for the due execution of the City Ordinances, and in short, for all that action of wholesome laws upon the offending classes, by which crime may be prevented, and vice, immorality, and disorder, be suppressed and discouraged.

In the organization of such a body, the following should be regarded as cardinal points:

1. That there be a distinct and responsible head, from whom all subordinates shall derive their appointments, and upon whose approbation they shall be dependent for their offices.

2. That to this head of the Police, all information obtained by each subordinate and every thing he may observe or see or know, affecting directly or indirectly the public service shall flow as to a common centre. That from that centre all orders and instructions shall emanate.

3. That there be such a graduation of officers inferior to the chief, as to enable him to act simultaneously upon all parts of the city, and upon every department of the public service, by means of general directions, without the necessity of superintending in person the details of each operation.



4. That each individual of the Police, whether officer or private, shall have his distinct sphere of duty, and a well marked responsibility for the due performance of that duty.

5. That the exertions of each individual acting within his own sphere, be made to co-operate for a common object so that the head of Police may wield at once the combined mental and physical power of the whole body, and cause it habitually and uniformly to bear upon all offenders.

6. That the Police force be so disposed as to admit of prompt and rapid concentration upon any point or in any emergency requiring more than ordinary exertion, so that every movement may be certain, successful and overpowering.

7. That all practicable means be used to elevate the moral tone of the Police, to inspire a just pride in their own character and that of the service, and to introduce into the ranks respectable, intelligent, and able bodied men, willing to devote their time, talents and strength, to the public service.

Keeping in view these fundamental principles, the commissioners respectfully recommend to Councils to pass "*an ordinance for the establishment of an efficient preventive Police in the City of Philadelphia*," which ordinance shall embrace the following leading provisions.

1. That the Mayor of the city shall be the head of the Police and shall make all appointments and removals relating thereto.

2. That the city be divided into four principal divisions as nearly equal as may be, having due reference to territory and population. That for each of those divisions there shall be a superintendent one of whom shall be styled Captain and the others Lieutenants of the City Police.

3. That each principal division be subdivided, as equally as circumstances will admit, into four sections or subdivisions, for each of which there shall be appointed an Inspector of Police, who shall have the control of all the inferior Police-men within his section, subject to the general direction and supervision of the proper superintendent.

4. That each section or subdivision be again divided into a convenient number of beats, and that a number of private Police-men be appointed equal to twice the whole number of beats.

5. That the night watch at all seasons of the year shall commence at twilight in the evening and end with broad day-light in the morning. That during this period at least one watchman shall be constantly engaged in patrolling each beat, no one being permitted to leave his round, or retire for shelter until regularly relieved. By this arrangement at least one half the watch will be on active duty during every minute of the night and regular reliefs at proper intervals will of course supercede the necessity of watch boxes.

5. That a sufficient number of the police force be employed during all hours of the day, in the respective sections, to preserve order, maintain the peace, enforce the city ordinances, and render such assistance as the citizens may require. A much smaller number will be required on active duty during the day than in the night, so that by an equitable division of the hours among the men of each section, all may obtain sufficient time for rest and refreshment.

6. That for each principal division there shall be a suitable watch house under the care of the proper superintendent, at which prisoners may be received and detained, and where the police of the division may at proper times, be mustered and inspected.

7. That at a convenient point in each section, there shall be a suitable room or station for the Inspector at which all the Policemen of the section not actually on duty, shall habitually remain throughout the night, and at such hours of the day as the regulations may require.

8. That all extra service during the night watch shall be performed by the relief, or that portion of the Po-

lice not on duty in the respective beats. This arrangement will secure that no part of the city be left unguarded under any circumstances likely to rise.

9. That all superintendents, and inspectors be required to exercise a constant supervision over the conduct of their respective subordinates, promptly and impartially to report delinquents, and also to report every instance of remarkable good conduct.

10. That every superintendent, inspector, and private policeman be required to devote his whole time, except what may be necessary for rest and refreshment, to the public service, and shall be at the disposal of his proper superior at all hours of the day and night. That they be prohibited from engaging in any private business calculated to interfere with the spirit of this provision. That a *compensation* be allowed to each proportioned to his rank, and adequate to the decent maintenance of himself and family. That the receipt of fees or costs on arrests, or of gratuities from private individuals be expressly prohibited. That the fees they would otherwise be entitled to receive, constitute a fund, for the benefit of the private policemen, most distinguished for their good conduct and intelligence. This fund to be distributed at proper intervals, and in limited amounts.

11. That the admission of temporary substitutes for absent policemen be expressly prohibited; but that in case of such absence, the proper inspector shall supply the vacancy by a special arrangement of the reliefs.

12. That the Mayor be instructed, so far as may be practicable and consistent with the public good, to supply all vacancies in the offices of inspector and superintendent by promoting those who have distinguished themselves in an inferior grade.

13. That the twelve officers now called city police be dispensed with.

14. That a clerk of police be appointed by the Mayor, at a competent salary, who shall assist in carrying into effect the foregoing provisions, and perform such other duties as the Mayor may direct.

15. Some proper provision should be made for the preparation of a code of rules for the government of the police in the details of their duties, for designating their badges, insignia, &c. and for carrying into effect the foregoing suggestions in reference to watch houses and section stations.

Under the foregoing heads are included those general outlines of the preventive police recommended by the commissioners, which require the action of councils, through the formality of an ordinance. A vast amount of detail must necessarily be provided for in the code of regulations, and be subject to alteration and improvement, as experience may suggest.

It is impossible for the commissioners fully to explain the contemplated action of the system without extending this report beyond the limits of convenience. One or two partial observations nevertheless may serve to throw light upon the subject. We have set it down as essential, that the head of police be kept accurately informed of every thing that occurs in the city having a tendency to injure the public. With a view to such information, suppose each policeman on retiring from his tour of duty, be required to report verbally to the proper inspector the occurrences that have taken place, or the observations he has made within his beat, and that the inspector immediately make a minute of such report in a suitable book. Suppose these minutes to be submitted daily to the proper superintendent, and he required from the materials thus supplied, and his own observation to make frequent reports on the state of the district, to the mayor. By noting opposite each item of intelligence the source from which it is derived; the mayor will be enabled to judge of the capacity and vigilance of each officer. Suppose further, that it be required of each superintendent, inspector and policeman to make himself acquainted as far as possible with all places, persons and things within his district, which are the subjects of legal cognizance, or likely to be



come the sources of crime—and that his knowledge be combined in the form of frequent lists or reports from the superintendents to the mayor. Must it not follow from such an arrangement punctually carried into effect, that the head of police will at all times have before him an accurate map of that territory of crime and vice which the law has placed under his jurisdiction?

Again it may be remarked that as each superintendent and inspector will have his distinct sphere of duty, with sufficient force at his disposal to maintain the peace and cause the laws to be respected—the prevalence or continued existence of any evil or disorder after it has once been noticed, will be conclusive evidence of his neglect of duty, unless he can assign some extraordinary reason for his failure, and demonstrate that his best efforts have proved unavailing. A sense of this distinct responsibility will go far to ensure a high degree of vigilance and activity on the part of each officer.

In further illustration of the modus operandi of the proposed system, the commissioners will state one or two familiar examples—

Suppose there should be reason to expect a serious riot in a particular part of the city, at a certain time of the night. The mayor being informed of this, has only to communicate it to one or more of the superintendents, designating the number of men required, and the hour and place where their services will be necessary. This force, amounting if necessary to half the police of the city, would at once be detached from the reliefs of the respective sections, without in the slightest degree interfering with the regular guarding of each separate districts.

Or suppose the case, which is unfortunately too familiar in many parts of our city, that assemblages of disorderly persons habitually take place in a particular street to the great annoyance and danger of peaceable passengers. If the presence and proper exertions of the Policeman of the beat throughout the evening, fail to suppress the nuisance, the duty will devolve upon the Inspector, and he will be required to apply his whole disposable force (amounting probably to seven or eight in number) hour after hour, and night after night, until the remedy proves effectual.

Again—Disorders analogous to those referred to have prevailed to a great extent in certain parts of the city, on the Sabbath day, and have been the subject of loud complaint from well disposed citizens. A very simple arrangement of the Police with reference to this matter, will enable each Superintendent to maintain the peace of his division, and to concentrate an irresistible force at every point where disorder occurs or is threatened.

The commissioners deem it unnecessary at this time to occupy the attention of Councils with further details. They proceed therefore to remark, that in the soundness of the principles which they have endeavored to explain, and in the practical capacity of the system proposed under proper management, to carry those principles into complete operation, they feel a high degree of confidence.

Neither the principles nor the practice referred to, have any claim to novelty or originality. They have been tried elsewhere under difficulties far greater than should be anticipated here, and with the most signal success.

In reference to the Police experience of London and its importance as an example to the large and growing cities of the American continent, one of the Commissioners took a suitable public occasion about three years ago to make the following remarks:

“The fundamental principles of our present police were borrowed, together with other municipal regulations, from those of England, which having their origin in a rude state of society, and intended to operate upon a scattered population, were not adapted to the circumstances of a crowded metropolis, and have not kept pace with the progress of criminal art or general refinement. It was the policy of the English Government

to consider even abuses as sanctified by time, and to resist all reform as a hazardous and almost sacrilegious experiment. Hence, from the time of the Stuarts to the present generation, notwithstanding the increase of population, and the revolutions wrought in the habits, manners, and business of men, the London police in its essential features remained the same, and was only altered by a constant increase in the numbers of those connected with its operations. Nothing like recurrence to original principles—nothing like adaptation to a new state of society—nothing like the introduction of order and system, so as to give to a limited force the utmost possible efficiency, was ever listened to. The constituted authorities went on to accumulate error upon error, absurdity upon absurdity, expense upon expense—blindly multiplying the mere number of agents, and rendering those agents useless and unmanageable in proportion to their number. As a natural consequence, the present ministry, when they came into power, found a state of things deeply embarrassing and seriously alarming; the wretched and loathsome consequences of centuries of mismanagement accumulated upon their hands—vice increasing, crime emboldened by prescriptive impunity, and an instant necessity for a complete and radical reformation.”

“To their immortal honor be it spoken, they ventured to institute a thorough reform, to level this Gothic fabric, remove this worthless lumber, and substitute a system of operations adapted to use and proportioned to each other, founded in common sense, and guided by practical experience; a system corresponding in principle with that which we have endeavored to explain, and thus far eminently successful. It was no common task, it involved difficulties of no ordinary character, and called for a rare mixture of judgment and energy. Perhaps the illustrious individual at the head of the administration was never engaged in a more embarrassing campaign, than that which he undertook against rooted prejudices and venerable absurdity—Perhaps he never grappled with an enemy more formidable for number or discipline than the criminals of London—and certainly he raised in the field of Waterloo no nobler or more enduring monument of his fame, than is implied in the success of these new regulations.”

“The simple question then arises for this community to answer—Will they adhere to a system obviously defective, which the very country of its origin has been compelled to abandon after a long and disastrous experiment? Must they pass through the same painful process to arrive at conviction—and will they wait until an instant and stern necessity becomes the advocate of reform? Or, obeying the dictates of common prudence, will they think, and reason, and act upon the subject, while to do so is comparatively easy, before the evil has reached its crisis, or gained the force of inveterate habit? Is it not true that strong checks are necessary to preserve the order of a crowded metropolis; that by a species of moral fermentation, passion is unnaturally excited, and the growth of crime stimulated and quickened; and that while population creeps onward with an arithmetical progress, wickedness and vice start into existence in a geometrical ratio. If so, there must be a point at which the latter will defy all moral or legal restraint, when reformation will come too late, and the community must be abandoned as a prey to passion and dishonesty.

“These are questions which the public are called upon to consider by the strongest motives of self-preservation, and which upon their responsibility to posterity they must decide.”

Since those remarks were made, experience, observation and intelligence from abroad, have all tended to confirm their truth, and to establish beyond a question, the practical value and efficiency of the new police of London, whose organization resembles that now recommended by the Commissioners.

We have it on the authority of intelligent and dis-



tinguished Americans, who have seen for themselves, that throughout all the districts of the English Metropolis in which the new system has been tried, there prevails an admirable degree of order, regularity and decency, and that the most perfect security is afforded to every person during all hours of the day and night. In these districts are included many streets which formerly were abandoned almost exclusively to the occupancy of thieves and felons, and through which, no respectable individual could pass without the most imminent danger of personal injury, robbery and murder.

To this testimony from abroad, may be added what the observation of the whole American police must confirm, that within the last five years, a large proportion of the most daring and ingenious crimes detected in this country, have been traced to experienced London culprits recently arrived, who have probably been forced by the operations of the new police, from those dark recesses of a crowded city, which once afforded them shelter and security. This continued emigration of the refuse of the English population, has grown into a serious evil, and furnishes an additional argument for the establishment of a more energetic preventive system in our own country.

In connection with such evidence in favor of the new police system of London, it is gratifying to remark, that its effects have not arisen from any additional or arbitrary powers conferred upon the officers, but are entirely referable to its regular, organized and systematic operation. It is a fact, worthy of all observation, that the existing regulations of London, confer less power upon the individual police man, leave less to his discretion, and afford him less opportunity to oppress the citizen than those which have always prevailed in Philadelphia, in reference to the nightly watch.

To the arrangements which the commissioners have thus ventured to recommend, an objection may easily be raised on the score of expense. That an increased expenditure will be necessary, they have no desire to conceal; on the contrary, they are prepared to indicate its probable extent. A number of private police men will be required, at least double the present city watch—and some addition to the rate of wages will be necessary—two additional lieutenants and one clerk will be created, and sixteen inspectors substituted for the twelve city police officers now in authority. To these sources of expense must be added the rent of two additional watch houses and 12 rooms or stations for inspectors, it being contemplated that each watch house will also be an inspector's station.

An answer to such objections is easily furnished. The city heretofore has been watched during half of every hour, between 10 and 11 at night and daybreak. It is now proposed to guard it during every moment of the night, and so much during the day, as may be necessary for the perfect maintenance of peace and order. That the expense should be doubled or more than doubled at such a change is not therefore to be wondered at, and the only question is whether the change proposed be necessary and desirable. The Commissioners believe that the highest and best interests of society, the comfort of the present generation and the hopes of prosperity imperiously require it. They believe moreover, that no establishment less numerous or expensive can reach the great objects in view. It would be easy to devise a cheaper system, professing the same objects, but which must certainly fail in the performance of its functions. Would such a system be recommended by just views of economy? And would not the argument for an imperfect police on the score of its economy be stronger still for abolishing it altogether.

But the will of the venerated Girard, in that clause to which the commissioners, by the terms of their appointment, are specially referred, presents a conclusive answer to all such objections. That clause expressly devotes certain portions of his estate "to enable Councils to provide *more effectually than they now do*, for the se-

curity of the persons and property of the inhabitants, by a *competent* police, including a *sufficient number* of *watchmen* really suitable to the purpose. It follows then that an increase in the number, and an improvement in the quality of those employed in the police, were in contemplation of the testator, and that to this increase and improvement (for both of which the commissioners have endeavoured to provide) he meant to devote a large portion of his property. If we go further and enquire to what extent he designed this increase should go, we arrive at the conclusion that he expected the watch to be doubled at least, because he has recommended that on each beat or round at least two watchmen should go together. The spirit of this recommendation has been followed, by assigning two watchmen to each round, one of whom should be constantly on duty, and by providing the means of reinforcing him at a short notice, on all occasions where greater force may be necessary. The other recommendation of the testator, that the city be divided into four districts, has been incorporated in the plan proposed.

Having thus, as briefly and distinctly as the extent and complicated nature of the subject would admit, explained their views, the Commissioners respectfully submit them to the consideration of the Councils. They regret that one gentleman named in the resolution (Mr. Richards) has been prevented, by severe and protracted sickness, from joining in their deliberations, or participating in this report. From his knowledge, talents and experience, they had reason to expect the most important aid.

JOHN SWIFT, Mayor.

JOSEPH MILVAINE, Recorder.

JOSEPH WATSON.

From the Bucks County Intelligencer.

Mr. Editor:—A desire to promote harmony and friendly feelings between the Agents of the Commonwealth, and the people residing in the vicinity of our public improvements, has induced me to request a publication of the following correspondence. It grew out of a disposition which has been manifested on the part of some of our Justices of the Peace, to adopt a course of extrajudicial proceedings, in matters connected with our public works. If the opinion of the Attorney General, therein set forth, shall tend to shield the Agents of the Commonwealth from illegal and vexatious prosecutions, or prevent useless litigation, it will be a source of much pleasure and gratification.

Respectfully yours,

SIMPSON TORBERT.

Pennsylvania Canal Office, }  
Del. Div. 17th Oct. 1833. }

Extract of a letter to Ellis Lewis, Esq. Attorney General.

Pennsylvania Canal Office, }  
Del. Div. 22d Sept. 1833. }

Dear Sir:—Has a Justice of the Peace a right to institute an action against an agent of the State for the recovery of wages due to persons for labour done on the Canal, or have they any authority to bring suits against the public agents or labourers, for taking earth, gravel, &c. off private property, for the purpose of making repairs on the canal—and if such actions should be brought, what would be the proper course for the agents of the Commonwealth to adopt.

Respectfully yours,

SIMPSON TORBERT, *Sup't.*

ELLIS LEWIS, Esq. *Attorney General.*

Extract from Mr. Lewis' reply.

HARRISBURG, Oct 8, 1833.

Dear Sir:—Unless an agent of the State expressly makes himself liable in a contract for wages due for labour on the Canal, he cannot be sued—because a suit



against him in his official capacity is in reality a suit against the State, which can never be brought in any State Courts against her consent—prescribing the terms, &c. On this subject I have given an opinion to Gen. Wm. B. Mitchell, Superintendent of the Columbia and Philadelphia Rail Road. (See present Vol. page 176.) It is confined particularly to that branch of your inquiries relative to suits entertained by Justices, for materials taken for Canal and Rail Road purposes, a copy of which I herewith send you.

Yours, very respectfully,  
ELLIS LEWIS.

SIMPSON TORBERT, *Sup't.* &c.

5th Section of the Act of the 6th of April, 1830, referred to in the letter of Mr. Lewis, page 176.

"And be it further enacted, &c. That in cases where injury or damage has been or may be done to private property, by reason of the Pennsylvania Canal or Rail Road passing through the same, or by the taking of any materials for said Canal or Rail Road, it shall be the duty of the Canal Commissioners to ascertain as nearly as may be in their power, the amount of damage actually sustained, and to make an offer of such sum, to the person or persons aggrieved, as they shall think reasonable, a record of which offer shall be made, and if the same should not be accepted, and the damage thereafter assessed in the manner provided for by this act, should not amount to a larger sum than the one offered aforesaid; the person or persons in whose favour such damage be assessed, shall pay all the costs attending such assessment, and a certified copy of the record of such offer as aforesaid, shall be evidence of the amount thereof."

#### PITTSBURG WAGONERS.

WHEELING, Sept. 28.

On Wednesday last sixty wagons with merchandise for the west arrived in this place.

The Baltimore Gazette of Monday says that one hundred and one wagons were despatched Westward that morning from the Depot of the Baltimore and Ohio Rail Road.

Few of our eastern people who have not travelled to the west, have any conception of the vast amount of transportation east and west from the cities of Philadelphia and Baltimore to the cities of Pittsburgh and Wheeling on the Ohio, a distance of 300 miles by land. The wagons which are constantly employed in this trade, have the capacity of a one story building 20 feet long by six to eight feet wide. These house-wagons are covered with canvass, and are drawn, many of them by five stout horses, but the greater part of them by six or eight. Their loads vary from sixty to eighty cwt. and they travel from 18 to 22 miles a day, making a trip from Philadelphia to Pittsburg and back again in about 30 or 35 days. Several thousand wagons are employed in this business. They go in squads of half a dozen to thirty in a string, and keep company the whole distance. They have their regular "wagon taverns," as they are called, to stay at over night, and we have seen over fifty of these teams meet at one place for rest.

The drivers carry a mattress and a blanket, and after they have fed themselves and their horses, and drank their usual potation of whiskey they spread the mattress upon the floor of the bar-room and lie down to rest—this is the only bed on which many of them sleep from one year's end to another—they do not undress, except merely to take off their coats and do not perhaps change any part of their clothing from one end of their journey to the other.

In the morning they feed and card their horses, and as soon as they breakfast and harness, they start on their journey and do not stop to feed themselves or their

teams, until they have driven to the end of their day's route. They eat but two regular meals a day, for each of which they pay 22 cents;—their horses are fed with oats altogether, which they purchase of the tavern keeper, at a few cents advance on the original cost. The first cost of their meals is more than the tavern keeper receives, so that the only profit the taverner gets from his customers is that which arises from the sale of whiskey, and the manure made in his yard. These teams do not see the inside of a barn or shed perhaps during their lives. At night the harness is taken off and laid upon a pole running across the axel trees, and sticking out behind the wagon—the horses are then tied to different parts of the wagon, and fed from provender troughs which are carried for that purpose on the journey, and let the weather be what it may, the poor beasts must stand in the open air at the mercy of the elements. We have often asked the wagoner why he did not put his horses into the stable during the storm; and have as often received for reply, "that they do better by standing out;" and as a proof of the truth of their assertion, we do not remember of ever having seen what is usually denominated a poor horse among the many thousands which have come under our observations.

Many persons have made independent fortunes in this business of teaming. We have known some young men to begin as drivers at eight and ten dollars a month and after a few years labor, be the owner of a dozen teams—when they get thus wealthy, they ride upon horseback, and accompany their teams all in a string, from the Ohio to the Delaware, and purchase flour and whiskey, and sell them on their own account to the merchants and tavern keepers on the route.

The transportation of goods by wagons from the east to the west is about drawing to a close. The canals between Philadelphia and Pittsburg are already completed, and the Portage Rail Road across the Allegheny Mountains, to connect the canals on each side, will be completed early next season, when, on this route, wagons will cease to run. The Baltimore and Ohio Rail Road is already completed to Frederick, a distance of about 75 miles—the whole will be completed in a few years—when these improvements shall be in operation, what is now termed, a "Pittsburg Wagoner," will no more be known.

We did not intend to write so long an article—but its perusal may not be altogether useless or uninteresting to a portion of our readers, who, like ourself until 1817, may be ignorant of the extent of business, habits, and customs of a Pittsburg Teamster.—*Long Island Advocate.*

#### JEFFERSON COLLEGE.

*Extract from the Minutes of the Alumni Association of Jefferson College.*

CANONSBURG, Sept. 25, 1833.

According to previous intimation, a number of the Alumni of Jefferson College assembled for the purpose of organizing an association. The necessary officers having been selected, the committee appointed on a former occasion, consisting of the Rev. Aaron Williams, Rev. A. B. Brown, and Stephen Caldwell, Esq., reported a constitution, which was adopted, as follows—

Article 1. The name of this association shall be "The Alumni Association of Jefferson College."

Art. 2. The object of this association shall be to promote the interests of the College, and the friendly intercourse of its graduates.

Art. 3. The Alumni of the old Canonsburg Academy, now in the learned professions, all the Alumni of the college, and those who are, or have been, instructors in the Institution, shall be considered members, together with such Alumni of other colleges, and honorary



graduates of this college, as may be elected on application.

Art. 4. The officers of the association shall be a President, seven Vice Presidents, a Treasurer and a Secretary, who shall perform the duties usually devolving on such officers, and shall continue in office one year, or until a new election.

Art. 5. There shall be an annual meeting of the association, on the day before the annual commencement, at which time a public address shall be delivered before the Society, and all necessary business transacted.

Art. 6. This constitution may be amended at an annual meeting, by a vote of two thirds of the members present.

After an Address, by Thomas Livingston, Esq., of Pittsburg, the association proceeded to the election of officers. James Ross, Esq., of Pittsburg, was chosen President—Hon Wm. Hendricks, of Indiana, Charles Hammond, Esq., of Cincinnati; Rev. W. Smith, and Rev. J. Ramsay, D. D., of Canonsburg, Dr. Andrew Livingston, of York, Pa., Rev. J. R. Wilson, D. D. of Albany, and Rev. Moses Allen, of Washington co., were elected Vice Presidents—Rev. John H. Kennedy, of Canonsburg, was chosen Treasurer, and Stephen Caldwell, Esq., of Pittsburgh, Secretary. The thanks of the meeting were tendered to Mr. Livingston, for his address, and arrangements were made for its publication.

T. Livingston, Esq., Rev. A. Williams, and Alfred Patterson, Esq., were appointed a committee to select a speaker for the next annual meeting.

On motion, it was Resolved, That the Secretary of the association prepare, and cause to be published, such of the proceedings of this meeting as he deems proper.

The society then adjourned, to meet at the time specified in the constitution.

E. P. OLIPHANT, Chairman.

ALEX. T. M'GILL, Secretary.

#### PUBLIC MEETING—TRADE WITH THE WEST.

A large and respectable meeting of the citizens of the City and County of Philadelphia, was held at the County Court Room, on Saturday evening last, for the purpose of taking into consideration the propriety of appointing delegates to the Canal Convention to be held at Warren, Ohio, on the 13th November next.

HENRY TROTTH, Esq. the President of the Common Council of the City, was called to the Chair, and Robert Bethell, Esq. was appointed Secretary.

The meeting was addressed in energetic and appropriate terms by General Robert Patterson, who offered the following resolutions:

Resolved, That a committee of five persons be appointed to confer with the Board of Trade in relation to the Canal Convention to be held at Warren, in the State of Ohio, on the second Wednesday in November next and to adopt such measures as may be proper to carry into effect the objects of the proposed Convention.

The resolution was seconded by Colonel Chew in a speech of considerable length, and unanimously adopted.

The Chairman appointed the following committee:—

Josiah Randall, Alexander M'Clurg, John M. Atwood, John H. Brown, and Cornelius S. Smith.

On motion of Judge Sutherland, the name of Dr. Jesse R. Burden was added to the committee; and on motion of Josiah Randall, the name of Dr. Jacob Frick was also added.

On motion of General Patterson, it was resolved, that the proceedings be published in the newspapers, and on motion of the same gentleman, the meeting adjourned.

HENRY TROTTH, Chairman.

ROBERT BETHELL, Secretary.

The following gentlemen were appointed at a Town

Meeting held at the District Court Room, on Saturday, the 26th ult. to confer with the Board of Trade, in relation to the Canal Convention to be held at Warren, in Ohio, on the 2d Wednesday of November, viz.

Josiah Randall,  
Alex. McClurg,  
J. M. Atwood,  
John A. Brown.

Corn. S. Smith,  
J. R. Burden,  
Jacob Frick,

And the Board of Trade on the 29th ult. appointed a Committee of Conference, consisting of

Robert Patterson,  
Robert Toland,  
Matthew Newkirk,  
Thos. P. Hoopes.

George Handy,  
Wm. McMain,  
John Haseltine,

At a joint meeting of the committees appointed by the Town Meeting and the Board of Trade, held at Wade's hotel on Thursday the 31st of October.

ROBERT TOLAND, Esq. was called to the chair; and Jacob Frick, appointed secretary.

On motion of Josiah Randall, Esq. it was unanimous-

ly Resolved, That the joint committee do now proceed to the election of seven delegates to represent the city and county of Philadelphia in the proposed Convention to be held at Warren, in the state of Ohio, on the 13th November next.

Messrs. Hazeltine and Newkirk were appointed tellers, who in a short time reported, that the following gentlemen were elected, viz.

Josiah White,  
George N. Baker,  
Abraham Miller,  
Thomas P. Hoopes,  
On motion it was—

Jacob S. Waln,  
Jesse R. Burden,  
George Handy.

Resolved, That the Delegates now elected, be authorised to exercise a sound discretion upon the choice of routes to connect the Ohio and Pennsylvania Canals, and upon all other matters that may be presented to the convention for their consideration.

Resolved, That the Delegates be authorised to fill any vacancies that may occur in their body,

Resolved, That the proceedings of this meeting be published in the daily papers.

ROBERT TOLAND, Chairman.

JACOB FRICK, Secretary.

LIME SPREADER.—We last week had an opportunity of witnessing the performance of a machine for spreading lime, invented by Mark Wilson of this County, and by him patented. Although the machine was much worn, being one of the first constructed, it spread near 100 bushels in an afternoon. It is quite simple and could be made, with the exception of the cog-wheels by any one accustomed to the use of a saw and hatchet. It spreads the lime in any proportion desired, from 10 to 70 bushels to the acre, and with more uniformity than can be done with a shovel. The machines are made for one or two horses, and it is ascertained that two men can spread with a two horse machine, four hundred bushels per day. It can be used in windy as well as calm weather, no inconvenience arising from the dust therefrom. Mr. Brock of this place has obtained the right of vending patents for the use and construction of the machine in this County, with the exception of the upper townships. We conceive it to be an improvement of much consequence to farmers, who make use of lime as a manure, entirely doing away a most disagreeable, yet necessary branch of their business. The machine, for two horses, costs about 30 or 35 dollars, and as no one farmer would have constant use for them, by three or four joining together, the expense would be so trifling that we should presume every neighborhood would be able to have among them one of these labor saving machines.—*Bucks Intelligencer*.



MAUCH CHUNK, Oct. 26.

**ENTERPRIZE.**—We notice with pleasure the recent manifestations of laudable enterprize, and public spirit among the citizens of this place, in the promotion of improvements which are calculated to contribute materially to the credit and respectability of the place, as well as to become objects of great utility to its inhabitants. Within a few days a subscription has been opened for the erection of another Meeting House intended for the use of the Presbyterians and others, as occasion may require, and we understand that it has hitherto met with a degree of encouragement from the liberality of our citizens, which has exceeded the fondest anticipations of its friends. A communication upon the subject by the Committee appointed to receive subscriptions, will be seen in another column.

We would also congratulate our friends of the Methodist Society in this place, (who are really the pioneers in the cause of erecting a house of worship) upon the progress of their Meeting House, which has recently been raised, covered and painted on the outside, and which exhibits an appearance on Broadway (although plain and unassuming) which does credit to their enterprize and perseverance.

Hitherto the inhabitants of this place have been dependent upon the liberality of the Lehigh Coal and Navigation Company for a place of worship in the Town House, which was erected for that among other purposes.—*Mauch Chunk Courier.*

**MAUCH CHUNK.**—It may not be amiss to remark, that since the commencement of the improvements on the Lehigh, and the building of Mauch Chunk, even up to the present time, the increase of population has been so rapid in proportion to the increase of buildings, which have till recently been erected by the Company only as the necessities of the place demand, so great has been the scarcity of room, for all purposes, that hitherto the Town House has been appropriated to the use of dispensing light and instruction in various ways—the basement story being used as a Printing Office, (the art of printing being the ground work,) and the second story for schools, and the third for meetings of every description, for public teaching in spiritual things.—*Ib.*

H. H. Burr, assignee of Theo. Burr

vs.

The Danville Bridge Company.

**U. S. Court—Western District.** This suit, brought to recover damages for an infringement of a patent right obtained by Theodore Burr for an improvement in bridge building, was decided last week. The jury brought in a verdict of \$900 damages, which the Judge trebled, making \$2,700, with costs.

POTTSVILLE, October 26.

**Snow.**—On Sunday last we had a slight sprinkling of snow in this borough. On the Broad Mountain, we understand, it snowed throughout the greater part of the day, and clothed the country round about in the livly of winter.—*Miners' Journal.*

A large and beautiful Organ, lately purchased in Philadelphia for the Episcopal Church of this borough, has arrived in safety and been erected, and in all probability will be heard by those who attend divine service in said church to-morrow.—*Ib.*

We understand that the inclined plane, No. 2, (being the second inclined plane,) of the Danville and Pottsville Rail Road, will be put in operation for the purpose of experiment, this afternoon; and we announce the fact that those who would like to witness it may embrace the opportunity. We also understand that the Omnibus will leave Mount Carbon at half past 2 o'clock.—*Ib.*

**Line of Stages between Pottsville and Harrisburg.**—We understand that this line of Stages has been purchased by our fellow citizen, N. J. Mills, who intends sparing no pains in rendering travelling on this route equal to any in the state. The stages are entirely new, the horses good, and drivers careful and attentive. As this is the nearest and cheapest route between Pottsville and Harrisburg, the proprietor, no doubt, will receive the support of a liberal public.—*Ib.*

A Reading paper mentions that a flock of wild geese passed over that place last week. During the present week many flocks have passed over our borough. Pigeons also made their appearance in the early part of the week. During one or two days there was an incessant popping of fire arms in the environs of our borough, since which the pigeons have disappeared.—*Ib.*

**LARGE BEET.**—A Red Beet measuring twenty-five inches in circumference, fifteen inches in length, weighing fifteen pounds, has been left at this office by our townsman Jacob Seitzinger, Esquire, in whose garden it grew. We challenge the state to produce one of equal size.—*Columbia Spy.*

WEST CHESTER, Oct. 29.

**EARLY WINTER.**—There have been already, considerable falls of snow, in the northern part of New York, and the Eastern States. Large flocks of wild geese have passed along the course of the Brandywine in this county, on their way to the Chesapeake.—*American Republican.*

## THE REGISTER.

PHILADELPHIA, NOV. 2, 1833.

The report of the Commissioners appointed by Councils to devise a more efficient system of police will be found in, and occupies a considerable space of our present number. Few subjects are more interesting and important to our citizens than this. It is an able report. The plan appears to us, as far as we are competent to judge, to be excellent; and if adopted, (as we trust it will be) we have no doubt will be found an efficient substitute, for the present system, which has long been considered very defective.

The Trustees of Allegheny College, now under the charge of the Methodist Conference, have published a long report on the Manual Labor System, which is also inserted this week. It appears they are in want of funds to carry their plans into effect.

On the morning of the 29th ult. there was visible on the roofs of the houses, a severe white frost, and during the day a *spitting* of snow, being the first this season. And on the 30th, the houses were whitened by snow—and the flakes, large and abundant, fell for some time, but they ceased by 8 or 9 o'clock, A. M.—and the weather became clear and pleasant. In several papers from the interior, we observe notices of considerable falls of snow, and flights of wild geese towards the south, indicative of the approach of winter.



# HAZARD'S REGISTER OF PENNSYLVANIA.

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## HOPKINSON'S ADDRESS BEFORE THE LAW ACADEMY.

An Address delivered before The Law Academy of Philadelphia at the opening of the session of 1826-7, by Joseph Hopkinson, LL. D. Vice Provost of the Academy.

Gentlemen of the Law Academy of Philadelphia,

In addressing you, at this opening of your session, it is not my design to carry you through any learned or difficult disquisition. It will be my more humble undertaking to present to your consideration some practical lessons, which may be found useful, not only in your preparation for the bar, but in your subsequent progress in your profession.

When a young man enters upon an occupation which is to be the business of his life, it is all important that he should entertain just notions of the profession he has adopted. A mistake of this point may misdirect him in his whole course. If he elevates his aim too high or too low, he will miss his object, and all his efforts will but exhaust his strength and embitter his disappointment. To do his duty, it is necessary to know what is required of him; to attain distinction and excellence, he must learn in what they consist.

The student of law, in this country, who commences his labors with sordid and narrow views; who has no other object than the profits of the profession; and will be satisfied if it procures for himself the means of existence, may be respectable and useful, but he will never reach the high eminences of his calling, nor add any thing to its dignity and importance.

It is a reproach, often visited on the profession, that all its studies are technical; that it confines and cramps the powers of the mind, and extinguishes the ardour of genius in the dull routine of prescribed opinions and operations; that it is inimical to liberal and extended views, and habituates us to consider and decide every question by some arbitrary precedent or artificial rule, rather than by general principles and great results. From a hasty adoption of such opinions, it is passed almost into a maxim, that a lawyer cannot be a statesman. This sentiment is peculiarly acceptable to those who have endeavoured, in vain, to become lawyers, and find it more easy to impose upon themselves, and sometimes upon others, the belief that they are great statesmen, with intellects too gigantic for a business which puts some restraint upon the imagination, and assumes some guidance of the judgment. The failure of some distinguished advocates in England, when they have tried their strength on the floor of the House of Commons, and mingled in the war of politics with the mightiest of the land, has afforded some ground for this stigma on the profession. It is obvious that the argument drawn from such instances is very unsatisfactory, and the premises by no means broad enough to sustain the whole conclusion. Without discussing the question or the fact, as it may exist in that country, we are altogether confident in denying it in this. The profession of the lawyer in England is much more technical than with us. Its divisions into various branches and jurisdictions may produce a higher degree of perfection in each, but it certainly diminishes the basis on which the student is to erect the fabric of his reputation, and by

which he will limit the extent of his knowledge. It confines the movements of his mind in narrower channels; engages him in exertions less diversified, and directs him to fewer objects of excitement and ambition. Not so in the United States: the lawyer here is one day in a Court of Common Law, and another in Chancery. He examines and discusses, with equal learning and facility, questions in every branch of the science; civil, maritime, ecclesiastical. He sometimes addresses a judge without a jury, and sometimes a jury without a judge. There is no department of human knowledge, even to the most ordinary occupations of men, that may not in turn be useful to him;—there is no variety of the human character that he may not, on some occasion, use to his advantage. Every thing connected with the nature and business of men, may demand his acquaintance and attention. The study of the constitution and political relations of his country, at home and abroad; of the great principles of international law which govern the intercourse of independent states, is indispensable to every American lawyer who hopes to tread the loftier paths of his profession. The actual state of our country, as well as its experience; the possession and disposal of all political power by the people themselves, and the manner in which they have chosen to entrust it, fully confirm my view of the subject. It is so far from being true, *in a land of laws*, that no lawyer can be a statesman, that we have scarcely had a statesman who was not a lawyer. Where there is no government but *by the law*, or rather, where *the law is the government*, the ministers of the law will have influence and respect, will be called to aid in administering the government, and receive the confidence of their fellow citizens in their most honorable service. Where the will of a despot is the only rule of right, or rather the only rule by which right is decided—where a controversy is settled by the caprice or venality of a bashaw, who instantly executes his own sentence, and cruelly punishes even a murmur of disobedience, it would be ridiculous to look for a profession whose privilege and duty it is to investigate and expound the law to the understanding of the judge. Who can fathom the depths, or influence the motions of absolute power; who can unfold the principles of its decrees? What is our experience of the political importance of our profession? Of six Presidents, five have been lawyers; and the other a being who stands exalted and alone, “unimitated and inimitable,” who furnishes no example for other men, because none can hope to follow him. Our secretaries of state have all been lawyers: and, generally, the heads of the other departments, and foreign ministers. In both houses of Congress, the men who take the lead in directing the destinies of the nation, and in managing all its concerns, are distinguished lawyers. Nor can these facts be evaded by the calumnious pretence that an American statesman could claim no such rank in Europe; and is deficient in the talents and knowledge required of those who are so esteemed in foreign states. Without going back to the period of our revolution, in which the capacity and wisdom of our statesmen, united with a full and minute acquaintance with the whole science of government, and all the abstract questions that arose in the controversy, enforced by close reasoning and impressive eloquence, triumphed over the utmost efforts



of those disciplined politicians: let us look at the history of our country in her foreign and domestic relations for the last thirty years. Our unexampled increase in wealth, power, and population, bears conclusive testimony to the competency and wisdom of our interior government. But we rise still higher in contemplating our foreign connexions and difficulties. The French revolution, with its effects and consequences, threw the civilized world into a state of unprecedented convulsion; the intercourse held between its several parts was interrupted and changed; new situations and relations were produced; new assertions of right, and complaints of wrong, were constantly arising; every thing became unsettled and dangerous; the great effort of the contending parties was to draw every nation into the contest, and to trample upon all who resolved to avoid it. This state of the world necessarily produced occurrences and collisions, in which a people, determined to be neutral, and also to assert and defend their rights, as established and protected by the laws of nature and nations, had a daily call for a perfect knowledge of those rights, even to the most abstruse learning, as well as for great discretion and firmness in maintaining them. This was done by American statesmen to the eventual safety and honor of their own country, and the acknowledged admiration of every other. These statesmen were American lawyers.

The voluminous correspondence between our department of state and the British and French ministers, through these years of violence and trouble, is sufficient to repel the charge of inferiority in our statesmen. It contains a rich body of learned and lucid argument upon very interesting topics of national law, and is worthy of a careful and repeated perusal. At a subsequent period, when our war with Great Britain was terminated by the peace of Ghent, the Marquis of Wellesley, speaking in the House of Lords, of the negotiation, declared that he was at a loss to account for the astonishing superiority of the American over the British Commissioners, in their correspondence and discussions.

How imposing is the majesty of the law! how calm her dignity; how vast her power; how firm and tranquil her reign! It is not by armies and fleets, by devastation and blood, by oppression and terror, she maintains her sway and executes her decrees;—sustained by *Justice*, *Reason*, and the *great interests of man*, she but speaks and is obeyed. Even those who may not approve, hesitate not to support her; and the individual on whom her judgment falls, knows that submission is not only a duty he must perform, but that the enjoyment and security of all that is dear to him depend upon it. A mind accustomed to acknowledge no power but physical force, no obedience but personal fear, must view with astonishment a feeble individual, sitting with no parade of strength; surrounded by no visible agents of power; issuing his decrees with oracular authority, while the great and the rich, the first and the meanest, await alike to perform his will. Still more wonderful it is to behold the co-ordinate officers of the same government, yielding their pretensions to his higher influence. The executive, the usual depository and instrument of power; the legislature, the very representative of the people, give a respectful acquiescence to the judgments of the tribunals of the law, pronounced by the minister and expounder of the law. It is enough for him to say, "*It is the opinion of the Court*," and the remotest corner of our republic feels and obeys the mandate. What a sublime spectacle!—this is indeed the empire of the law: and safe and happy are those who dwell within it—may it be perpetual.

I have alluded thus briefly to these matters, only for the purpose of giving a proper elevation to the views of the American student of law. He must not consider himself as the mere drudge of a mercenary occupation;—he must not believe that he does enough for himself or his profession, if he is qualified to conduct an action of

debt or ejectment, in their usual course, through a court of law; but he must fix his eye on higher destinies, and more important services. He must believe that to his integrity and knowledge and talents, the best interests of his country may hereafter be committed; and he must prepare himself to fulfil these dignified duties with honour and success. He must lay his foundation commensurate with the noble superstructure that is to be raised upon it. What a stimulus to rouse every action! what a rich reward is offered to perseverance and talent! The prize is not to be gained by indolence or vanity. The student who, feeling the quickness of his intellect in its exercise upon lighter subjects, and trusting that he is blest with the gifts of genius, neglects the grave and complicated studies of the law, and hopes to find a substitute for knowledge in the agility or brilliancy of his parts, will end his career in the most mortifying failure and disappointment. While he is figuring and flaming round the bar of a Court of Quarter Sessions, and drawing all his business and importance from the crimes and vices of society;—while his legal reading will be confined to a few treatises on criminal law; his eloquence to the trite topics of criminal defence, and his professional intercourse to the tenants of county jails, he will see some more slow and laborious competitor, who started with him in the race, whose capacity he probably held in contempt, passing regularly and surely on to the high honours and employments, which await the lawyer who has given his days and nights to the acquirement of the deep and various knowledge, which brings strength, and fulness, and ornament, to the character and exercise of his profession; and which can be obtained only by long and careful reading, and profound reflection. It is not enough to read;—the manner of reading should be attended to. It will not do to run over, or even peruse attentively, any given number of pages in a day; it is not to heap upon the memory line upon line, and case after case, that will make a lawyer. In the study of the law, as in every other science, there is danger in reading too much and thinking too little. The power of the understanding; the faculty of precise and accurate discrimination, a most essential quality in a lawyer, may be overwhelmed or weakened by referring every thing to the memory, by constantly collecting and using the thoughts and opinions others, and never consulting our own. The student should frequently lay down his book, and, by reviewing what he has read, incorporate the subjects with his own mind, and make it his own; he must examine, analyze, and test, by his own reason and understanding, the opinions and principles of his authors: without this, his memory will become an overloaded magazine of pages and cases, which he will be unable to apply to any use. The memory, however, is not to be neglected. It is capable of much improvement by a proper cultivation and judicious exercise. Some men complain of a want of memory, when the real failing is the want of attention; reading with a wandering, unsettled mind, instead of fixing it closely and exclusively on the subject. We seldom entirely forget what has been forcibly impressed; we easily remember what has greatly interested us.

It is not my intention to point out any course of study; this would require much more time than this occasion would afford, and is not within the limits of my design. But I cannot forbear to recommend, what, I fear, is not sufficiently estimated as a preparatory study of a lawyer; I mean elegant literature; that which is of the first order, and formed by the soundest principles of taste. Without speaking at present of the ancient models of History, Poetry, and Eloquence, I would call your attention to the distinguished classics and scholars of our own language. In addition to Shakespeare, Milton, and Dryden, an English library will furnish plentiful, and rich materials to strengthen and adorn the mind. The days of Elizabeth and Anne abound with writers of the first eminence for force and skill of



argument, for neatness and precision of narrative, and for all the refinements of genius and taste. The English forum has its orators as worthy of imitation as the Roman. All these belong to the accomplished lawyer. The grasp of his profession is universal—there is nothing he may not make tributary to it;—there is no species of information or improvement, which may not be useful to him, as his operations extend over all the concerns of man in society. The lawyer must not only know what is right, but he must be able to convince others of it. To do this, he must take man as he is; not always a deliberating, reasoning being, but compounded of passions, prejudices, and various interests; and he must know how to approach and command them all. If he would unite the powers of persuasion with a knowledge of the law he must cultivate eloquence; he must acquire the art of managing and controlling the feelings and passions of men by studying the great masters of the human heart. He must enrich himself with elegant, appropriate, and illustrative imagery; he must learn to touch the chords of feeling with a skilful hand. Let him ponder on the pages of Shakespeare and Milton, not as amusing pastime, but for lessons of instruction and utility.—How much of the reputation of Erskine, Curran, and many others, is due to this study, is apparent from their speeches. Besides their acknowledged quotations, which are shining spots on their pages, it would be curious to trace some of their most brilliant and renowned conceptions to the volumes of Shakspeare. The student who would become a successful advocate should exercise himself not only in reading the most finished compositions, but in writing himself. He will thus acquire a wide range and selection of language, with the command of a correct, easy and elegant style. He will be able to regulate the choice of his expressions, the construction and arrangement of his sentences, and to make the best disposition of his subject, arguments and illustrations. Extempore speaking is rapid composition; and to compose rapidly, with ease and propriety, will become habitual only by frequent use.

Presuming that the student has qualified himself for the practice of his profession, and has been duly admitted to the bar, it is my intention to offer some suggestions on the course of conduct he should afterwards pursue. I need scarcely say that the basis of all our dealings with our adversaries as well as our clients, should be a strict and pure integrity; a perfect fidelity in the performance of every act and duty required of us, and a liberal justice in all we ask of others. I speak not of that politic, indispensable honesty, which the penal code exacts; nor of that doubtful balancing integrity, which nicely weighs the question of right and wrong and decides in its own favor by the turn of an equivocal argument. I require of the lawyer, most especially in his dealings with his client, a high, delicate, and sensitive principle, which shrinks from the suspicion of wrong; which will take nothing by a questionable title; which decides every doubtful case against himself, and will be clearly and indisputably right when he assumes to be so, in a matter in which his interest is concerned. He will carry this principle of integrity even to the point of disinterestedness; and scorn to use to his own advantage, the means which the confidence of his client, and the necessity of the trust reposed in him, may have placed in his power. He must not impose upon ignorance or thoughtless liberality, or treat his profession as a mere mercenary agency, from which he may take as much money as he can extort; but while he may and ought to receive a fair and honorable remuneration for his services, he should take care to regulate his demand by justice and even with generosity; preferring to satisfy, in this respect, the client rather than himself. This is due not only to the dignity of his profession, which overlooks and despises the contrivances and exactions of petty trafficking, but to his own personal character, which must not be polluted by the

odium of taking any unjust advantage in a bargain almost wholly at his discretion; or of doing wrong to a man whose confidence has left him no choice but to submit.

It is also the part and duty of professional integrity to give the client not only sound, legal council, but that which is just and judicious in the actual circumstances of his case. Much aspersion has been brought upon our profession by unworthy members, who, for a paltry, personal gain to themselves, plunge their clients into trifling, ruinous, and, sometimes, hopeless litigation; and then strive to carry them through it by the most unjustifiable means. Let every lawyer consider and treat his client, *pro hac vice* as a friend throwing himself upon his counsel for safety; and direct him, not always by *his strict rights*, but for his permanent, substantial interests; by that which, under all the circumstances, is most prudent, and reputable, and beneficial for him to do. It is often incumbent upon us to advise and urge a client to give up a right, when the pursuit of it will involve him in the loss of time, money, and perhaps character, more valuable than all he could gain by success in the prosecution.

It may not be amiss to notice a reproach frequently cast upon the profession of the law, in high favour and currency with the vulgar and ignorant, but which although supported by a specious attempt at a syllogism, is without any solid foundation. It is said there is but a right and a wrong in every disputed case, and therefore one lawyer or the other defends what is wrong; and, it is added, what he does or should know to be so. This charge against us is more generally applied to the defence of persons accused of atrocious crimes, which have excited the public indignation, not only against the pre-judged offender, but against those who are supposed to endeavour to screen him from justice. A moment of candid reflection would satisfy the most zealous of these lovers of justice, that the object and effort of the advocate is not to stop the course of justice, but to see that it flows in its proper and prescribed channels; that it is administered *according to law*, which alone is justice under a government of laws. The vilest and most assured criminal has a right to this protection, even if it should shield him from merited punishment; and if it be denied to him, the innocent cannot depend upon it. The administration of justice, civil and criminal, by courts of law, is a vast and complicated system, spreading over all the concerns of men, and governed by principles of infinite importance to those concerns. The constitution of civil society is, in a great degree, artificial, and so must necessarily be the means by which it is regulated and supported. A long experience, noted and improved by the learning and wisdom of individuals appointed to the duty, has gradually ascertained and established the rules most safe and salutary for the government of the judicial tribunals; and the issue of any particular case is insignificant in comparison with a firm, consistent and uniform maintenance of these rules. Hence a claim prosecuted in a court of law, must be sustained and proved by the sort of evidence prescribed for such a case; and no conviction of the judge or of counsel, as to the justice of the claim, can warrant either of them in giving it a legal validity in the absence of such evidence. The first duty of the ministers of the law is to maintain the law, in which not only the individual suiter, but every citizen of the commonwealth has a paramount interest. Such is the duty of the lawyer, who is not called upon to become the judge of his client's case, but to see that that of his adversary is made out according to the law of the land. I would not be understood to mean that a lawyer is bound to lend himself to the bad passions, much less to the dishonest purposes of any man. I speak of the ordinary cases of litigation, in which each party, according to his view, may believe himself right, and both are entitled to a legal examination and determination of their respective pretensions. It is upon the information of the client



that the counsel takes the case, and he naturally adopts his views of it. It is only on the hearing before the Court that the whole ground is exposed to him; and he is able to discover where the right lies. As to an unconscious defence of a criminal, I will put a strong case. A lawyer is engaged to defend a prisoner charged with murder. The wife of the accused is offered as a witness against him. Could his counsel reason thus? I am, in my conscience, satisfied that this man is guilty; his wife is the only witness that can prove his guilt; without her, this foul crime will go unpunished, and a murderer be again turned loose on society. The witness is honest, and I doubt not will tell nothing but the truth; the objection to her testimony is merely technical; I will not therefore interrupt the course of justice by rejecting this evidence. The lawyer who would reason and act in this manner, would betray his client, his profession, and the laws of his country.

Thus far have I spoken of the conduct and duties of the lawyer in his relations with his client. I will add a few words on what he owes to the Court, and his brethren of the bar. There is an error which gentlemen of high and ardent spirits, and I may add, of irritable nerves, are apt to fall into, in believing that they assert their independence of character and professional dignity, by a prompt, petulant, and disrespectful manner of repelling whatever they consider to be an invasion of their rights by the Court. They are sometimes too sudden, sensitive and suspicious, on this subject, and hastily and rudely resent an affront never intended, and defend themselves against an encroachment never made. A discreet lawyer, like a well-bred gentleman, will not seek for causes of offence, but be well assured of the insult before he compromises himself in resenting it. The Judges of a Court have, at all times, a most arduous, and frequently perplexing task to perform. They have to encounter every variety of difficulty and embarrassment; their patience is sometimes taxed by unreasonable importunity; their principles shocked by bold and pertinacious fraud; their vigilance alarmed by subtle attempts at injustice; and all their learning, experience and sagacity, put in constant requisition to discharge their high and interesting functions. If, in such circumstances, they are sometimes excited a little beyond the point of judicial propriety, if their sentiments are delivered in a tone somewhat too absolute, and they are not always sufficiently guarded by that delicate decorum which belongs to the Bench and is due to the Bar, they should, nevertheless be treated with respectful forbearance; for let it never be forgotten, that the profession of the law can never be respected, if the Judges be degraded and brought into contempt. We are one family, and the Court is our head; and we render a most acceptable service to the whole, by setting an example of deference and suitable submission to that head. If it be laid low, we also shall be prostrated; if the first ministers of the law be humbled and disregarded, what will become of the secondary agents? Vulgarly and intemperate passions only will trespass upon the reverence that is due to those who are entrusted with the office of administering the law and justice of the Commonwealth to its citizens. All that I require is entirely consistent with a scrupulous preservation of personal character and professional independence. These should never be surrendered to any power; and, if the rest be given, and gracefully given, these will not be required. The deportment which a lawyer owes to the Bar is much of the same description with that which is due to the Bench. It might be enough to repeat that he is a *gentleman*; that his profession is one of dignity, liberality, and refinement; and that his intercourse with his brethren should be governed by the rules of the best society. This is always compatible with an anxious zeal for the interests of his client, and a full and faithful performance of his duty. Can he believe that he serves his cause by degrading himself and his profession; that he obtains any advantage over his

opponent by coarse language and a rude demeanor, befitting the contests of a fish market, not the grave discussions of a Court? Does he advance his argument with his judges, or his reputation with the public, by ribaldry, or passionate invective; by a vulgar joke or insulting reproach upon his antagonist? This is to become the hired bully of his client, not the educated, learned, and eloquent advocate of right, and defender of the law. Be therefore always on your guard against this intemperate zeal which brings no fruit but mortification and repentance to a generous mind. The members of the same profession, a high and honorable calling, owe to each other the most kind forbearing courtesy and respect. To see them, in the public exercise of their functions, coarsely sparring, indulging in ill-natured sarcasm, bandying Billingsgate jests across the Bar, is indeed sport to the vulgar bystander, who delights to see the lofty thus humbling themselves, the honourable thus degraded; but it is death to the character of the profession. It is equally unworthy to entrap each other in little inadvertencies; to play a game of small tricks, and accidental advantages wholly beside the merits of the case, and the duty of the advocate.

To parties, and more especially, to witnesses, a generous decorum should be observed; every attack upon them not absolutely required by the necessities of the case, every wanton injury to their feelings, should carefully be avoided. How can you assail those who are not in a situation to repel the attack; how can you use the privileges of your station to tread upon the defenceless?

Before I part with you, on this occasion, you will allow me to exhort you, with sincere earnestness, to prosecute your studies with determined diligence and perseverance. It is in the season of youth that the most vivid impressions are made, which take complete possession of the mind. They do not find the ground pre-occupied; they have not to contend with unfriendly and obstructive habits; every thing is fresh and vigorous and encouraging. If in early life a vicious taste be acquired, the appetite returns slowly and reluctantly to wholesome food; if pleasure and indolence be indulged, it is painful and laborious to shake them off. Do not believe that what is called light reading is most suitable to youth, and that graver studies may be reserved for graver years. From the commencement, accustom yourself to books which require close attention, and exercise your faculties of reason and reflection: the mere power of attention, that is, confining the mind exclusively to one object, to restrain its erratic propensities, is more rare and difficult than is generally imagined. It can be acquired by habit, produced by that sort of reading which makes it necessary; and it will be weakened or lost by a devotion to works whose gossamer pages will not bear the weight of thought but are skimmed over by the eye, hardly calling for the aid of the understanding to draw from them all they contain. I do not mean by this recommendation to fasten you down to law and metaphysics; nor to exclude you from the delights of the imagination. The master spirits who rule that region of literature, instruct as much as they enchant. But this is not to be found in the productions of poets whose reputation is founded on periodical supplies of quaint conceits, artificial sentiments, antiquated verses, and obscure phrases; who dress up some popular topic in a garb of unmeaning mystery, and startle the reader by the extravagance of their conceptions. Turn from such poets to those who have dipped the pen in the human heart; who have consulted the everlasting oracles of nature and truth, and whose works are therefore not of the ephemeral tribe, local, temporary and transient. These great men have not mistaken the effusions of a brilliant fancy, the facility of graceful expression, for the precious gifts of poetic genius. They float not on the caprice and fashion of a day, but will endure while man remains the same. Their learning has pervaded the recesses of knowledge; they



have penetrated and analyzed every feeling and passion and propensity of our nature; and embellished whatever they have touched with the brightest, purest, and most variegated imagery, drawn from every moral and physical source in the compass of creation. They have enforced and illustrated the sublime precepts of philosophy and truth, and taught man to know himself. It is by such works you should form your taste and enrich your studies; the rest will do for those readers who desire only to praise or condemn, as it may be, the last exhalation from the fashionable press; and are satisfied to float on the stream that flows from the popular spring. It is a light vessel that swims in such shallow waters; you must look to deeper and more copious sources, and complete this part of your education by better models.

As an efficient means of improvement in the acquirements of your profession, I beg your unwearied attendance upon your duties as members of this Academy. What you have already done is sufficient to convince you of the utility and honor of the enterprise. The reputation the Institution has obtained and is obtaining, the notice it is daily drawing to itself, bear ample testimony to the talents and industry of its members. While the exercises of the Academy are as pleasant as they are useful, it must not be considered as a place of amusement, for light and superficial disputation, but as a solid school of instruction, to be conducted with order, diligence and attention. A facility will thus be acquired in investigating and tracing to their roots important questions of law; in accurately discovering the true point on which the question turns, and discriminating it from others which might mislead a superficial and unpractised enquirer; in searching and comparing authorities; arranging and managing an argument, and delivering it with ease, force and propriety. In all these efforts and exercises you will be enlivened and stimulated by a laudable spirit of emulation and pride, without which excellence and success are seldom attained in any thing.

#### EXCHANGE CELEBRATION.

On Saturday, the board of directors of the Philadelphia Merchant's Exchange, celebrated the event of placing the cap stone upon the splendid edifice. The occasion was used to express their approval of the labors of those who had been employed upon the building. A dinner was given in the hall at the corner of Seventh and Chesnut streets, served up by Messrs. McCalla and Mann, of the Tontine Coffee House, in a manner to do credit to the purveyance and cooking of that establishment, as well as to their general good taste and general arrangements. About *one hundred and forty* of the artisans and working men employed on the building, sat down to the excellently provided table, at the head of which was Wm. Strickland, Esq. the architect, assisted by Mr. Strothers, and Mr. O'Neill, the superintendents of the marble masons and carpenters. The board of directors and one or two guests were also at the table. Several toasts were drunk, and a few good songs well sung, when the company broke up, after having devoted a suitable time to refreshment.

The following were among the toasts on the occasion: By Wm. Strickland. The artisans, mechanics, and working men engaged in the building of the Philadelphia Exchange—Their good conduct and orderly deportment have been as remarkable as their skill and excellence of workmanship.

By John Struthers. The merchants and stockholders of the Philadelphia Exchange—It is to their liberality that Philadelphia is indebted for another monument of the Grecian art.

By J. M. Sanderson. The Philadelphia Exchange—The head that planned and the arm that executed, have exhibited in this model, a structure unrivalled on the American continent.

By J. O'Neill. The Building Committee of the Exchange—Their gentlemanly deportment in the execution of their charge, entitles them to our best regard and friendship.

By James McClure. The stockholders, directors, architect, and superintendents, with the workmen of the Philadelphia Exchange, whose liberality, design, and erection, have reared a monument that shall long outlive the tenements which they now occupy.

By the Building Committee of the Exchange. The artists and mechanics whose skill and labour have achieved the noble designs of the architect of the Philadelphia Exchange—The board of managers tender to them their thanks for their excellent past conduct, and wish them in future the success which such conduct deserves.

By J. R. Chandler. Wm. Strickland, the architect of the Merchant's Exchange—He will realize the boast of the ancient emperor—He found us living in a city of brick, and he will leave us a city of marble.

By J. O. Ewing. The city of Philadelphia—Unrivalled in the chasteness of her architecture and the skill of her artisans.

By R. Manser. The Philadelphia Exchange—Chaste in its design, an ornament to our city, and an honor to its workmen.

By Wm. Davis. Pennsylvania—In patriotism, exemplary; praiseworthy and enterprising in all social improvements.

By Wm. Strickland. Peter and Philip Bardi, the Italian brothers who sculptured the capitals of the columns of the Exchange—The excellence of their art will be a lasting model for our American chisels.

By J. M. Sanderson. The working men of Philadelphia—Their deeds louder than words, speak volumes to the admiring world.

The memory of Stephen Girard (drunk standing.)

Our industry has fabricated our wealth: let us enjoy its fruits.

Mr. John Struthers—The skilful builder and the mechanic's friend.

Mr. John O'Neill—The practical mechanic and workmen's friend.

Mr. J. M. Sanderson—The telegraph of the merchants of Philadelphia.

The *Caduceus*—The symbol of peace given to Mercury by Apollo; while it directs the merchants which way the wind blows, may they steer clear of rocks and shoals—*U. S. Gazette.*

From Poulson's American Daily Advertiser.

#### ORIGIN OF THE PORCELAIN MANUFACTURE IN AMERICA.

He who by the efforts of genius accomplished a great undertaking, that had hitherto remained a secret to the country in which he lived—who achieved by the unaided powers of mind, a triumph in the arts that had baffled all previous experiment, and brought to a degree of perfection to rival the production of foreign climes, a manufacture for which we had until that period, been solely indebted to them, may at least be considered to have been a benefactor to his country, and his memory entitled to the gratitude of a community, who are ever anxious to award the meed of praise to native talent and enterprise.

WILLIAM ELLIS TUCKER, who devoted years of his life to bring the manufacture of porcelain, to comparative perfection in this State, and who struggled with difficulties and disappointments, that would have discouraged a mind less enthusiastic, and gifted with less energy of purpose, is now no more!—and no motive can exist to withhold from his memory the tribute of admiration and esteem, which his genius and industry won for him whilst living.

His knowledge and love of chemistry first led him when quite a boy, to experiment upon coloring the



white queensware imported from Europe, which he did successfully, with the aid of a small enamelling kiln. His next step was to accomplish the manufacture of this ware; in which, after many attempts upon the different kinds of clay, with which our country abounds, he was entirely successful. But upon the prosecution of this new enterprise upon a large scale, without at this early period (1825) contemplating any thing further, he abandoned all other occupations, and commenced his career as the first American Manufacturer of queensware in the old building formerly occupied for the city water works.

It was there, whilst pursuing his unwearied efforts, secluded from society, and denying himself the ordinary gratifications of youth, that he conceived and matured the idea of making porcelain.

His researches after the clay used in the composition of queensware, had brought to his knowledge the existence of beds of fellspar, and kaolin, and in every kiln of ware which he burned, experiments were made to produce the body of porcelain.

The writer of this short tribute to his memory, can recal to mind the joy with which his first successful effort was hailed. Nature seemed to be opening her hidden resources to him. A new discovery had dawned upon his imagination, and his active mind was bent upon the entire accomplishment of this last and highest object of his ambition.

His former project in which he had been eminently successful, and to the introduction of which, in this country, he incontestably established his claim, now gave way to the higher and more important art of the porcelain manufacture.

The difficulties he had yet to encounter to enable him to rival, or even approach the splendid productions of France, were immense. But difficulties never discouraged him—the energies of his mind always seemed to rise in exact proportion to the obstacles with which he had to contend. The modelling, glazing, gilding, &c., were yet to be acquired, and the powers of his inventive faculties were brought to bear in rapid succession upon each distinct department of this difficult art. In the space of a few years, with disappointment and success alternately stimulating his ardor, and with the expenditure of a large amount of capital, he was enabled to produce ware which, for its beauty of color, surface, and gilding, would compare with the finest specimens of porcelain, made at the Royal Manufactory at Sevres, in France.

Thus, to WILLIAM ELLIS TUCKER are we indebted for the introduction of that noble art in this country; to him belongs all the honor and praise of adding so important a branch to our flourishing manufactures.

Although long known in Asia and Europe, it was by the slow and tedious process of experiment alone, that he acquired the knowledge of what, until then, had remained unknown in America.

Pursuing his discovery, if I may be allowed to use the term, with an enthusiasm that is characteristic of men of genius, he made many important improvements, particularly in the glazing and gilding, both of which are of a very superior kind.

In the year 1831, having successfully conducted the business for more than four years, having triumphed over every difficulty with which the untrodden path of experiment is ever strewed, and began partially to be remunerated for his immense expenditure of time, of labor, and of private fortune, and when he only needed capital to enable him to enlarge his sphere of action, Judge HEMPHILL, one of our most estimable citizens, took an interest in the concern, and furnished the means requisite to erect buildings, and conduct the business on a more extended scale.

The result was the American Porcelain Manufactory, now in successful operation, on Chesnut and Schuylkill Sixth street. He lived to finish that undertaking, and the whole building, which is admirably adapted for its

intended purposes, was planned and executed under his immediate supervision.

But just as the arrangements were completed, and he had again commenced to manufacture porcelain, with the increased advantages which were combined in this new and commodious establishment, death closed the scene upon his earthly labors. An attack of remittent fever terminated his life in August, 1832, in the 53d year of his age.

Although he did not live to reap the rich harvest in anticipation—to mature and perfect the work he had commenced, yet he has left an imperishable record of his genius and enterprise in the origin of the porcelain manufacture in America.

THOMAS TUCKER, who is engaged by Judge Hemphill in superintending the concern, commenced at an early period, under the instruction of his brother, to learn the business, and has since given evidence of his extensive knowledge in the minute detail of that intricate art.

The entire establishment is now owned by Judge Hemphill—is advantageously known over the Union, and justly a favorite in Philadelphia, and under the auspices of so enterprising a citizen, we trust, will long continue to flourish. E.

Philadelphia, Oct. 31.

#### FIRE PROOF EDIFICE FOR PUBLIC INSTITUTIONS.

Pursuant to an invitation given to the Literary and Scientific Institutions of Philadelphia, to consult on the subject of erecting a *fire proof edifice*, for their respective uses, a meeting was held at the Athenæum, November 1st, 1833.

PETER S. DUPONCEAU, L. L. D. was called to the chair, and Dr. R. E. Griffith appointed Secretary.

It appeared that the following named societies were represented, viz. the American Philosophical Society, Athenæum, Academy of Natural Sciences, Trustees of the Philadelphia Museum, Historical Society, Mercantile Library, Academy of the Fine Arts, Agricultural Society, Pennsylvania Library Company, Library of Foreign Literature, Law Academy. Mr. Roberts Vaux, after making some observations, submitted the following preamble and resolutions, which were unanimously adopted.

The great value of the Libraries and Scientific Cabinets, and the collection in the fine and the useful arts, which are owned by various institutions in Philadelphia, render it the duty of those who are entrusted with their care, to provide for their complete arrangement, exhibitions, and most especially for protection from fire to loss by which they are continually liable. It is moreover highly desirable that such rich stores of knowledge should be placed in the same edifice, and thus not only afford facilities to those whose pursuits require the frequent consultation of them, but also enquiring strangers sojourning in our city, conveniently to inspect these instructive repositories.

In order therefore to ascertain whether it be practicable to accomplish an object so important to the promotion of learning, and the security of its treasure, by the combined efforts of the institutions alluded to, aided by an opulent and public spirited people—

Be it resolved, that the individuals now convened, and officially connected with the societies interested, will bring the subject before those bodies respectively, at the earliest opportunity, in order to a full exposition, and interchange of opinion, by committees to be appointed, and duly authorized to confer and report thereupon.

And further resolved, that these proceedings be transmitted to the presiding officer of each institution to which they are applicable, and that they be published for the information of our fellow citizens, all of whom are deeply concerned in the preservation and extensive



usefulness of the rare and curious collections in question.

On motion of Mr. S. Gratz,

Resolved, That the respective bodies to whom these resolutions may be sent, be requested to transmit to the Librarian of the Athenæum the names of the members of the committees by them appointed for this purpose.

On motion of Judge Hopkinson,

Resolved, That when this meeting adjourn, it adjourn to meet on the first Monday of December next, at 4 o'clock, P. M.

Adjourned.

PETER S. DU PONCEAU, Chairman.

R. E. GRIFFITH, Secretary.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

Thursday evening, October 31, 1833.

### SELECT COUNCIL.

Mr. Groves presented a resolution concerning the election of managers for the Wills Hospital—laid on the table.

Mr. Worrell presented a petition from sundry citizens, praying that Schuylkill Third and Fifth streets, from Market to Spruce, may be paved, and for the regulating and planting of Rittenhouse square. Referred to the Paving Committee.

Mr. Lippincott presented a petition from sundry individuals, praying that the use of the Hall of the market-house in Second street, may be granted to an association of young men, for the purpose of a reading room, recently established in the southern section of the city. Referred to the Committee on Markets.

On motion of Mr. Lewis, Council resumed the consideration of the following ordinance appropriating \$40,000 from the Girard Fund, to the improvement of city property.

### AN ORDINANCE

For the appropriation of forty thousand dollars from the income of the Girard Estates, for the improvement of city property.

Section 1. Be it ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That forty thousand dollars, part of the accumulation of the income of the residuary trust fund of the Girard Estate, be, and the same is hereby appropriated for the improvement of city property, agreeably to the third item of the twenty-fourth clause of the Will of the late Stephen Girard.

Sect. 2. And be it further ordained and enacted by the authority aforesaid, That the said forty thousand dollars shall be applied towards the improvement of the city property, as follows:

1. For the stores, wharf, dock, &c. near Schuylkill, between Market and Chesnut streets,	\$18,000
2. For the rail road on Broad street,	8,000
3. For the alteration at the old Engine house, Fair Mount,	4,000
4. For the culvert, &c. at Draw bridge dock,	4,000
5. For paving,	6,000
	<hr/> \$40,000

And that the Treasurer of the Girard Trust shall open separate and distinct accounts of the several improvements aforesaid.

Sect. 3. And be it further ordained and enacted by the authority aforesaid, That the City Commissioners or the committees of Councils under whose especial care or superintendence they are effected, shall cause the said improvements to be made in the usual manner, and shall examine every account which shall be exhibited

to them, for any moneys demanded as due on account of any of the said improvements, and if they allow the same, shall respectively give a certificate, specifying the amount due, and the specific purposes for which the debt was contracted, which certificate, together with the account and vouchers respecting the same, shall be presented to the Commissioners of the Girard Estates for their investigation, and if they shall approve of said account as legally due for the improvements hereby authorized, they shall make a requisition therefor on the Mayor, who shall thereupon draw his warrant on the Treasurer of the Girard Trust for the sum mentioned in said requisition, Provided, that every requisition so made, shall specify the object for which the debt shall have been contracted; and shall be charged by the said Treasurer to the particular account for which the moneys therein due shall have accrued.

Enacted into an Ordinance, in the city of Philadelphia, this thirty-first day of October, in the year of our Lord, one thousand eight hundred and thirty-three.

HENRY TROTH,

President of Common Council.

J. R. INGERSOLL,

President of the Select Council.

Attest—ROBERT HARE, Jr. Clerk of Common Council.

Mr. Worrell offered a resolution authorising the Committee on the Public Improvements on Schuylkill at Chesnut street, to rent the stores now building there, to the best bidder, for a term not exceeding three years, and to invite proposals by public advertisement. Adopted and concurred in by Common Council.

Mr. Lippincott, from the Committee on Ways and Means, reported an ordinance authorizing the Mayor to borrow \$60,000 in anticipation of taxes, of the present year, on the best practicable terms, not exceeding six per cent. Adopted and concurred in by the Common Council.

Mr. Groves offered a resolution for the appointment of a committee of Councils, to adopt measures to enable the city to obtain possession of that part of Franklin Square, which is held as a burial ground by the German Reformed Congregation. Mr. Groves stated that there was no doubt that the corporation were the true owners of that piece of ground, and that it was a very great drawback upon the beauty of the Square. An investigation into the merits of the question of ownership, some years ago, resulted in the congregation surrendering to the city a portion of the ground.

Mr. Wetherill supported the resolution; he stated that he had understood several months ago, that the congregation intended to build on a part of this ground, and as they had no title to it, it was time the rights of the city were looked to. Resolution referred to committee on Franklin Square.

The items of unfinished business, relative to lighting the city with gas, was referred to a special committee, consisting of Messrs. Lippincott, Wetherill and Eyre, of the Select, and Messrs. Schott, Troth, and Hutchinson of the Common Council.

### COMMON COUNCIL.

Mr. Byerly presented a petition from owners of property in the vicinity, praying that Schuylkill Seventh and Eighth streets, between Market and Arch, and El-maker street, may be regulated and paved. Referred to the Paving Committee, with power to act.

Mr. Gilder presented a petition for paving Schuylkill Third and Fifth streets, between Spruce and Market, and for improving Rittenhouse Square. Referred to the appropriate committees.

Mr. Toland from the committee of accounts, submitted the following report—

The Committee of Accounts respectfully report, that they have examined the accounts of this Treasurer of



the City, for the quarter ending 31st December, 1832, compared them with the vouchers, and find the same correct, leaving a balance in the Treasury at that date, of \$27,425 40.

They also report, for the information of Councils, an abstract of the receipts and expenditures for the year 1832, showing the sources of the Revenue, and the object of expenditure, all which is respectfully submitted.—

The receipts into the City Treasury during the year 1832, were \$489,470 12, derived from the following sources, to wit:

Taxes,	\$210,641 27	
Water Rents,	72,740 31	
Market Rents,	21,456 00	
Rents from other Real Estates,	6,634 79	
Redemption of two ground rents on Lombard street,	1,200 00	
Wharfares at Drawbridge landing,	2,802 14	
Sales of Street Dirt, and use of horses and carts by Sanatory Committee, viz:		
Street Dirt,	\$7,259 62	
Sanatory,	640 00	
		7,899 62
Sale of two Steam Engines at Fair Mount,		5,523 75
Sales of old materials at Fair Mount, by Frederick Graff,		1,175 29
Sales of Hogs,		150 00
Contingent moneys, received of City Clerk and Commissioners,		2,244 73
Fines and Penalties,		229 36
Public Burial Ground,		196 25
From Sanatory Committee—repayment of moneys,		247 49
Loans.—City purposes,	\$100,000 00	
Sanatory,	30,000 00	
		130,000 00
Premium on Loans—		
To Sinking Fund,	\$13,500 00	
Sanatory,	2,800 10	
		16,300 10
Interest and Dividends,		5,573 76
United States' Loans paid off,		3,955 26
City Commissioners, repayment of money advanced them,		500 00
		<u>\$489,470 12</u>

\$17,000 of Water Rents, and \$8,000 of City Rental, is annually transferred to Sinking Fund.

The Payments made by the City Treasurer during the year 1832, amounted to

On the following accounts:—	
New Paving,	\$74,704 71
Repairing unpaved Streets,	6,659 74
Cleansing the City,	28,973 71
Docks and Sewers,	14,362 98
Lighting and Watching,	54,675 23
Pumps and Wells,	4,486 82
Regulating Ascents and Descents,	1,128 00
Salaries,	20,632 72
Fuel and Incidental expenses in City Hall,	1,267 63
Services in the Markets,	685 50
Incidental Expenses of Councils,	197 58
Rewarding persons active in bringing offenders to justice,	400 03
Repaving over Water Pipes, and repairing old pavements,	13,799
Repairing and improving City Property,	22,676 98
Interest on City Funded Debt,	90,230 21
Distribution among Fire and Hose Companies,	7,179 00
Purchase of Paving Stone,	1,673 25

Repairing footways in case of default, by individuals,	1,140 19
Expenses authorized by Councils, Appropriation 21,	10,730 99
Sanatory Purposes,	38,782 76
Public Burial Ground,	204 00
City Commissioners, advanced them under Ordinance of December 24th, 1818,	500 00
Fair Mount Water Works,	65,195 58
Sinking Fund, investments in stocks,	17,900 67
Purchase of Fuel for neccessitous poor,	646 21
John Scott's Legacy—premiums, useful inventions,	60 00
	<u>\$478,893 90</u>
Balance of Cash in City Treasury, January 1, 1832,	\$16,849 18
Balance, excess of receipts over payments during 1832,	10,576 21
	<u>\$27,425 40</u>
In Bank of Pennsylvania, Jan. 1, 1832,	

Mr. Chandler from the Committee to whom the subject was referred, presented an ordinance, entitled "an ordinance for establishing an Effective Preventive Police for the City of Philadelphia," based on the report of the Commissioners appointed for the purpose—which was read and ordered to be printed.

Mr. Gilder offered a resolution that the Committee on Markets be requested to enquire into the expediency of erecting a Market House, at one of the corners of Broad and Market streets, which was adopted.

#### PUBLIC MEETING.

At a large and respectable meeting of the mechanics of Wilkes Barre, held at the house of G. P. Steele, for the purpose of adopting measures promotive of their mutual interests, and to interpose their veto against the introduction of foreign articles of merchandize which come within the scope of their own manufacture.

ANTHONY BROWER was called to the chair, and J. W. Lynde, and A. M. Wright were appointed Secretaries. After the object of the meeting had been stated from the chair, on motion it was

Resolved, That a committee be appointed, comprised of individuals to be selected one from each branch of mechanism represented in the meeting, whereupon the following individuals were chosen said committee, viz.

Wm. Willits, Samuel Howe, Wm. B. Norton, Wm. Stephens, Elem Purdy, Ansel Thomas, Hartzell Thomas, A. M. Wright; who, after retiring a short time, returned and reported the following address, which was unanimously adopted.

#### ADDRESS,

To the citizens of Luzerne county, generally, and particularly to the merchants.

The mechanics and manufacturers residing in Wilkes Barre, and its neighborhood, having met together to consult upon measures of mutual and common benefit, flatter themselves that a generous people will indulge them in spreading before them their views and objects. Whatever promotes the interest and welfare of a numerous and laborious class of community, and at the same time increases the comfort and wealth of the other classes, must be deemed an object worthy of the attention of all rational men. The protection of domestic industry for the last eight or ten years has been the theme of all; yet no term has been more abused and perverted by those who most use it. While the creation of stupendous monopolies has been countenanced, and the venders of articles of foreign manufacture have met with liberal support and encouragement, individual enterprise and real domestic industry have been discouraged and driven out of doors. Hence, while we find the



owners and stockholders of the million establishments, rolling in wealth, and enjoying extravagant profits, the mechanics and laborers throughout our country, are embarrassed and discouraged. And what is still more alarming to our apprehensions, the owners of these overshadowing establishments are stretching forth their hands, thus strengthened by legal preferences, to control the halls of future legislation. All we ask is to be left in the possession of the fruits of our own enterprise, upon equal and fair terms; and this desirable end we are now endeavoring to attain.

We humbly ask the good people of Susquehanna valley, if it would not be more for the benefit of the country to make use of the articles furnished, and which can be furnished by the manufacturers and mechanics who reside among you, and increase the consumption and business of the country, than to obtain these articles of a less substantial quality from the cities and eastern manufactories? We are your fellow citizens, having the same interests and desire the same advantages from the common weal of the country. We consume the products of the farmer, the wares of the merchant, and increase the business and wages of the common laborer. We add to the population, increase the business of the different professions, contribute our portion of the taxes, and consequently to the various improvements of the country. Then why should not our welfare be an object worthy the care and favor of our fellow citizens? Have we not higher claims upon your regard, than strangers who reside hundreds of miles from you, and have no single interest in common with our local welfare? If the articles we produce were inferior to those brought from abroad, then we admit our claims upon your favor would be less strong; but we presume we have nothing to fear by a fair comparison with our foreign competitors in the soundness and real value of our work. We are here among you, responsible for the good faith of our undertakings, and this is a guaranty which the same articles sent by the stranger does not afford. Although our business depends upon the patronage of all classes of society, yet we appeal more particularly in the present case to the merchants, who have it more immediately within their power to advance our prosperity by a generous and liberal course, than any other portion of our fellow citizens. We humbly conceive, that, rightly understood, their permanent prosperity is in a great degree dependent upon our own. If they will in fair exchange, take our wares in place of those of less value from abroad, it will save the expense and risk of transportation, give encouragement to industry and wholesome competition, increase the inducements to mechanics and the laboring classes to settle, and contribute by their skill and knowledge, to the character and prosperity of the country. In this, it is believed, the rational and discriminating merchant will clearly recognize his own substantial profit and welfare. If the merchants would, in place of introducing very indifferent articles from abroad, take of the mechanics and manufacturers the same articles manufactured here, it would enable the country mechanics to increase their business, and be the means of bringing it to a perfection and cheapness, beneficial to all classes of the community. It is believed that there is an amount of merchandize, such as ready made clothing, hats, shoes, boots, leather, socks, and various other articles, brought into the valley from the cities, clearly within the capacity of this country, to produce which, if fabricated here, would increase our population many hundreds, perhaps thousands. Is this not desirable? Does not any well informed person see that the best interests of the country are involved in this question? And does not the merchant to whom we emphatically appeal, perceive a sure and healthful increase to his business and his profits in this proposition? There may be some so short sighted as to believe that a sort of mercantile piracy upon all other branches of business is their best policy! but this number, we trust, is few, and that the

liberal minded and well balanced merchant sees his own best prosperity in the prosperity of his fellow men.

Impressed with the correctness of these views, we ask of you, our generous and enlightened fellow citizens, the exercise of a spirit of reciprocity, to be willing to live and let live;—the practice of which militates against the substantial interests of none; but is equally beneficial in its tendency towards all. We ask in this case as in all others, but the application of that simple but sublime rule, to “do unto others as you would be done by.”

On motion, Resolved, That a committee of three be appointed, whose duty it shall be to confer with the merchants of Wilkesbarre, and ascertain their views with regard to the object and deliberations of this meeting; and discover how far they will enter into our views and feelings,—and that said committee be instructed to prepare a report to be submitted to an adjourned meeting, to be held at Mr. Steele's on the last Saturday evening of Court session. Said committee to consist of A. Brower, J. W. Lynde, and S. Howe.

Resolved, That the proceedings of this meeting be signed by the officers, and published in all the papers of Wilkesbarre.

ANTHONY BROWER.

J. W. LYNDE, }  
A. M. Wright, } Secretaries.

*Wyoming Herald.*

#### LAND TITLES.

In vol. 2d, of Biron's edition of the laws of this state, page 105; is a large, but as we consider a very interesting and important note in relation to the land titles of Pennsylvania, from its first settlement up to the year 1810—when that edition of the laws was published. By permission of Mr. Biron, we are enabled to insert it in the Register, and we believe that we could not devote a portion of our paper, to a more interesting article of history in relation to this subject. It was drawn up we understand with great labor and research, by the Hon. Charles Smith—it will occupy a portion of several numbers, but we presume will be new to most of our readers, and impart information which is valuable to every landholder throughout the state. It is in the form of a note to the act for opening the land office in 1784.

#### PART I.

The importance of the following note must be an apology for its length. It is the editor's desire to lay before the public a connected view of the land titles of Pennsylvania from its first settlement to the present time; an attempt of equal difficulty and interest. That it will be free from errors, is perhaps rather to be wished than expected; as, from the lapse of time, some material documents, once known to have existed, can no longer be traced. Fortunately, however, much of what may be now considered as depending upon tradition, is more the subject of curiosity than of real utility. The public records furnish ample materials of all that is of moment at the present time.

The royal charter from Charles the Second to William Penn, bears date at Westminster, March 4th, 1681, in the thirty-third year of the reign of that king. The extent and limits of the territory of Pennsylvania may be seen in the charter itself, in the Appendix to this work; and in the course of the note, its present boundaries, as settled with the adjoining states, or enlarged by purchase, will distinctly appear.

It were needless, at this time of day, to question the validity of royal charters. A principle had obtained among the European nations, that a new discovered country belonged to the nation whose people first discovered it. Eugene the 4th, and Alexander the 6th successively granted to Portugal and Spain all the coun-



tries possessed by Infidels, which should be discovered by the industry of their subjects, and *subdued* by the force of their arms; and we are told, that no person, in the fifteenth century, doubted that the Pope, in the plenitude of his apostolic power, had a right to confer it; and all Christian princes were deterred from intruding into the countries those nations had discovered, or from interrupting the progress of their navigation and conquests. But William Penn, although clothed with powers as full and comprehensive as those possessed by the adventurers from Portugal and Spain, was influenced by a purer morality, and sounder policy. His religious principles did not permit him to wrest the soil of Pennsylvania by force from the people to whom God and nature gave it, nor to establish his title in blood, but under the shade of the lofty trees of the forest, his right was fixed by treaties with the natives, and sanctified, as it were, by incense smoking from the calumet of peace.

The settlement of the Swedes and Dutch on the lands near the river Delaware, and their subsequent subjection to the English government, previous to the royal grant to William Penn, are the subjects of general history. The Indian deed for the purchase made by the Dutch, of the lands between Bombay hook and Cape Henlopen, is now the property, and in possession, of the state of *Delaware*. The purchases made by William Penn, and his successors, are of no small importance in the consideration of the land history of Pennsylvania.

It was a principle adopted in all new settlements, that the laws of the mother country, at least so far as they are not inconsistent with the situation and circumstances of the infant colony, should have a binding force until altered by the authority of the new government. But that binding force arises only from the necessity which supposes that they receive those laws under which they lived before their settlements, into their new plantations, and agree to be governed by them for want of another law. But in the instance of the grant of Pennsylvania, it was incorporated in the charter "That the laws for regulating and governing property within the said province, as well for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods, and chattels, &c. shall be and continue the same, as they shall be for the time being, by the general course of the law of England, until the said laws shall be altered by the said William Penn, his heirs or assigns, and by the freemen of the said province, their delegates, or deputies, or the greater part of them." It is clear, therefore, that from the date of the charter, until acts of assembly were made to alter the same, lands within the province descended according to the course of the common law. Such is still the rule, as will be seen in the course of this work, in cases omitted by the intestate laws of Pennsylvania. See 4 Dallas, 64—2 Binney, 279.

William Penn, being possessed of the absolute Proprietorship of all the lands in the province, so far as the charter, independent of his Indian purchases, could vest such right, and the consequent right, (defined in the 17th section of the charter,) to parcel them out among purchasers, to be holden of himself and his heirs, "by such services, customs and rents, as to him or them should seem fit, and not immediately of the crown," sold large tracts of land to persons who were called *first purchasers*. These sales, it is believed, amounted to considerably more than three hundred thousand acres. The price for which these lands was sold, was forty shillings sterling for one hundred acres, and one shilling, quit rent. These grants or sales have been since denominated *old rights*, and had peculiar privileges annexed to them, which will be immediately detailed. They had no location, but were to be surveyed anywhere in the province. There were three lists of original purchasers; but only the two first were filed in the Land-Office; and the authenticity of the third

list, by reason of its not having been filed with the public records, was questioned before the revolution, by the proprietary officers.

In the conditions and concessions, agreed upon between the proprietor and first purchasers, (which may be seen in the appendix,) it was stipulated, "that as soon as they should arrive, a certain quantity of land, or ground plat should be laid out for a large town, or city, in the most convenient place upon the river for health and navigation, and that every purchaser should have, by lot, so much land therein, as should answer to the proportion which he had bought, or taken up upon rent. That the proportion of lands that shall be laid out in the first great town or city, should be after the proportion of ten acres for every five hundred acres purchased, *if the place will allow it.*"

Accordingly, when the first colony sailed from England, in October, 1681, certain commissioners were appointed to execute the conditions on the part of William Penn; that is, to lay out the great town, and to proceed to survey the country lands. This commission remains in the office.

It is known that difficulties existed with respect to the construction of these concessions and conditions; and the place of the great town was not fixed by these commissioners. No place could be found which would bear a town of six or seven thousand acres, the proportion to the lands already purchased, if such had been the construction of the concessions and conditions; and if the idea of a city of such extent had not been absurd and impracticable. Tradition tells us, therefore, that the commissioners did nothing but explore the country till William Penn's arrival. What knowledge they had gained of it they laid before him; and after deliberation, and, it must now be presumed, upon consultation with the settlers, he laid out a town of about two square miles, or twelve hundred and eighty acres, nearly as the city of Philadelphia now stands. The whole construction of the great town was therefore altered. The city was divided into lots of different sizes, and a large tract adjoining it, was surveyed, and called the Liberties; and out of the city and Liberties the first purchasers were to have their two per cent.

Not a single memorial can be found of this plan, nor any record of the alteration, or any written evidence of the consent of the inhabitants to the new arrangement; but a regular series of uniform facts, upon the books of the Land Office, establish it beyond a doubt.

The river Schuylkill divided the Liberties into two parts; the lots beyond the Schuylkill were of a less value than those on the town side; and it is remarkable, that the Liberty lands, without a single exception, laid out on the town side of the Schuylkill, were in proportion of eight acres to five hundred acres, and the warrants are uniformly for 492 as of country land, and eight acres in the Northern Liberties, and in the same proportion for larger purchasers; and those whose liberty land lay beyond Schuylkill, in the western Liberties had their warrants for 490 acres of country land, and 10 acres of liberty land. It is therefore presumed by those, whose age and information give weight to the fact, that one fifth part taken from the holders in the Northern Liberties made up the city plot, and the superiority in value made up for the deficiency in quantity, and time has amply realized their foresight.

The city of Philadelphia was laid out, according to Proud's assertion in the end of the year 1682. But the most prevalent opinion is, that the plan was not completed until the month of June, 1683. As the ground chosen for the site of the city was claimed by some Swedes, the proprietor gave them in exchange for it, a larger quantity of land at a small distance from it.

William Penn, in a letter to the society of free traders, dated August 16th, 1683, writes thus (see his select works): "Philadelphia, the expectation of those that are concerned in this province, is *at last laid out* to the content, &c. I say little of the town itself, be-



cause a plat from it will be shewn you by my agent, in which those who are purchasers of me will find their names and interests, &c.

"For your particular concern, I might entirely refer you to the letters of the president of the society; but this I will venture to say, your provincial settlement, both within and without the town, for situation and soil, are without exception:—Your city lot is a whole street, and one side of a street from river to river, containing near one hundred acres, not easily valued; *which is besides your four hundred acres in the city Liberties, part of your twenty thousand acres in the country, &c.*"

When the city plan was made out, two large lots were laid down for two purchasers of twenty thousand acres, others to suit the purchasers of ten thousand, five thousand, one thousand, five hundred and less, and numbered on the draft, and some mode was devised for drawing the names of the purchasers, with the number, of the size belonging to each. Thus, William Penn, junr. drew No. 1, and the Society of Free Traders drew No. 5.

There were but three purchasers of twenty thousand acres, viz. The Society of Free Traders, William Penn, junr. and Letitia Penn. The lots of the two latter were disputed, and after several trials by Jury, it is said they have obtained but 244 feet in breadth from Delaware front street to Schuylkill. The lots of the purchasers of ten thousand acres, bore no manner of proportion to the foregoing—They had six lots of 102 feet in breadth from Second to Third, and from Third to Fourth street, on *each front*, that is Delaware front, Second and Third streets, and Schuylkill front, Second and Third streets, not amounting to more than six acres—Nicholas Moore and John Marsh, two of these great purchasers, drew on Delaware front, No. 6 and 7.

Purchasers of five thousand acres had two lots, one on Front street 102 feet in breadth, extending from Front to Second street, and one on High street, 132 feet in breadth, and extending half the depth, northward towards Mulberry street, or southward towards Chesnut street, or about 300 feet, being less than two acres.

Purchasers of 1000 acres, had two lots, one of twenty, or twenty one feet in breadth on Front street, extending to Second street, and the other on High street, believed to be 32 feet, by half the depth to the next street.

Purchasers of 500 acres had lots on the back streets, as all the streets were called, except Front, or High streets, 49½ feet in breadth, by half the depth to the next street, or thereabouts. This is a general outline, as far as it can now be ascertained, of the regulations of the city lots. Holmes' printed map, in a very mutilated state, from long use, is yet remaining in the Surveyor General's office, but there is also there a correct copy on parchment. The names of the first purchasers, annexed to the map, which is the original used, and referred to by the commissioners of property, must soon disappear, if not copied. The editor has taken a correct copy, which may be given in the appendix, if it shall be deemed necessary or useful. In this place it is necessary to refer only to the following parts of the printed list, viz.

"The purchasers from one thousand acres and upwards, are placed in the fronts and high streets, and begin on Delaware front, at the south end, with No. 1, and so proceed with the front to the north end, to No. 43."

Then follows the list of names who drew the 43 lots or numbers.

"The High street lots begin at No. 44, and so proceed on both sides of the High street, upwards to the centre-square."

Then follow the names of the persons who drew the lots, amounting to 39 lots.

"Here follow the purchasers under one thousand

acres, and placed in the back streets of the front of Delaware, and begin with No. 5, on the southern side, and proceed by numbers, as in the draft."

Then follow the names of the persons who drew the lots, the number of lots, 192.

"Here follow the lots of Schuylkill front to the centre of the city, the purchasers from one thousand acres, and upwards, are placed in the fronts and high streets, and begin on Schuylkill front at the south end with No. 1, and so proceed with the front to No. 43."

Here follow the names of the persons who drew the 43 lots, and it is to be remarked, that the first seven names on both lists are the same, viz. William Penn, junr. No. 1. William Lowther, No. 2. Lawrence Growden, No. 3. Philip Ford, No. 4. The society, No. 5. Nicholas Moore, No. 6. and John Marsh, No. 7. And it is presumed these were the large lots appropriated to the purchasers of twenty and ten thousand acres.

"The high street lots begin at No. 44, and so proceed on both sides of that street to the centre square."

Then follow the names to the lots, in number 43, but some are blank, and have no names annexed.

"Here follow the purchasers under 1000 acres, placed in the back of the front on Schuylkill, and begin on the southern side with No. 1, and so proceed by the numbers as in the draught."

Then follow the names annexed to the lots, the lots being 149 in number, but several are blank, without names annexed, and several names in manuscript, where the printed list has been worn. The whole is thus headed, "Directions of reference in the city draught of Philadelphia, to the lots of the purchasers, &c. by way of numbers, being too small to insert their names, so that by the number, the lots may be known." It is to be assumed as a principle, of which the evidence is abundant and conclusive, that liberty lands were always considered as part of the quantity purchased, and were taken out of it when the warrant issued for the country land; but the city lots were considered as *appurtenant* to the purchase, but no part of it; and in the lessee of Hill, v. West, and lessee of Moore v. West, in the supreme court, December term, 1804, it was held, that the right to city lots was so connected with the first purchases, that by a general deed, made in 1704, by *first purchasers* of 5000 acres, with the *appurtenances*, city lots, incident thereto, though previously surveyed, will pass together with the liberty-lands, unless a contrary intention can be shewn. MSS. Reports.

That this was the course of the Land-Office, is evident, from innumerable records; but it is ascertained only from such evidence, and from tradition; as it has been already stated, that no trace can now be found, of any written documents, to show when, and in what manner, these important transactions were settled between the proprietor and the purchasers.

In the minutes of the commissioners of property, Book H. page 22, upon application to them for a city lot, the following entry is to be found. The *concessions* only relate to the *liberty-lands*, and the first purchasers had no right to city lots, from the first location thereof, but only from the proprietor's grant, *after his arrival here*.

Upon the second coming of William Penn, after governor Fletcher's time, viz. in the year 1701; the assembly, in an address to the proprietor, claimed certain privileges in the city, which they alleged, had been violated. The seventh and eighth articles are as follow.

"8th. That whereas the proprietary *formerly* gave the purchasers an expectation of a certain tract of land, which is since laid out, about two miles long, and one mile broad, whereon to build the town of *Philadelphia*, and that the same should be a *free gift*; which since has been clogged with divers rents, and reservations, contrary to the first design and grant, and to the great dissatisfaction of the inhabitants. We desire the



governor to take it into consideration, and make them easy therein."

"9th. That the land lying back of that part of the town already built, remain for common, and that no leases be granted for the future to make inclosures to the damage of the public, until such time as the respective owners shall be ready to build or improve thereon." Votes of Assembly, vol. 1, part 1, page 145.

The proprietor, in his answer, ten days afterwards, says "you are under a mistake in fact; I have tied you to nothing in the allotment of the city, which the *first purchaser, then present*, did not readily seem to comply with, and I am sorry to find their names to such an address as that presented to you, who have got double lots by my *re-applotment* of the city, from fifty to one hundred and two feet front lots; and if they are willing to refund the fifty-two feet, I shall as you desire, be easy in the quit rents; although this matter *solely refers to the first purchasers*, and to me as proprietary."

"You are under a misapprehension, to think, that a fourth part of the land laid out for a city, belongs to any body but myself, it being reserved for such as *were not first purchasers*, who might want to build in future time; and when I reflect on the great abuse done me in my absence, by destroying of my timber and wood, and how the land is overrun with brush, to the injury and discredit of the town, it is small encouragement to grant your request; however, I am content that some land be laid out for the accommodation of the town, till inhabitants present to settle it, under regulations that shall be thought most conducing to the end desired; about which I shall consult with those persons chiefly concerned therein." Ibid. 148.

The assembly in their reply, tell the proprietor, that they had tenderly weighed and debated those two heads, and voted that they be still insisted upon; and further application to be made to the proprietary, humbly requesting him to ease the party concerned therein, *ibid.* 153. But nothing further appears respecting this controversy.

That the original concessions and conditions, made in England, related merely to the *first purchasers*, is evident from a variety of entries in the books of the commissioners of property, corroborated by general opinion, and uniform construction. See book G, page 73. "I. F. being none of the *first 100 purchasers*, had no right to liberty lands, according to the concessions," so in Book H, page 38.

The point has however undergone judicial investigation and decision, that the concessions are confined to the first purchasers, 2 Binney, 476, and in the case of Springetbury Manor, in York county; judge *Washington* decided that the ninth section, which runs thus, "In every 100,000 acres, the governor and proprietary by lot reserveth ten to himself, which shall lie but in one place," was confined to the cases of the first purchasers. Cited, *ib.* 486.

This subject has become more matter of curiosity than utility. Yet it is necessary to observe, that under the commonwealth, the state paid great regard to those ancient claims of original purchasers to city lots; and provided a mode to ascertain those claims, and to grant patents for the lots, or an indemnification for them, in case they had been sold or appropriated; but limited the time in which such claims should be made, which is now expired, and the remaining lots appropriated by the state, for which see vol. 1, (chap. 931,) page 533, and the note thereto subjoined —

Before we proceed to the mode of granting and settling lands in Pennsylvania, it will be useful to ascertain the Indian purchases, and to give a comprehensive and connected view of the deeds, and boundaries, as far as they can be ascertained. The Dutch and Swedes, as has been already observed, were peaceably settled on the Delaware, and after their subjection by the English, were under the government of New York, and had acquired rights under that government. And several in-

stances occur in the minute books, in which the commissioners of property confirmed by patent lands derived from grants and promises from *Sir Edmund Andross*, the governor of New York.

One of the first acts of William Penn, was to naturalize all the settlers who had seated themselves previous to, and had remained after his arrival, and it appears to have been his earnest desire to extinguish every kind of title, or claim to the lands necessary for the accommodation of his colony, and to live on terms of friendship with the Indian natives.

The early Indian deeds are vague, and undefined as to their boundaries, and the stations cannot be precisely ascertained at this day; but these circumstances have long ceased to be of any importance; and the deed of September 17th, 1718, seems to define pretty clearly, the extent and limits of the land acquired by the several purchases, to that period.

We shall begin with the deed of July 15th, 1682, procured at a treaty held with the Indians, by William Markham, the deputy governor, a short time previous to the first arrival of William Penn, from *Idgnahon, Iannottowe, Idquoqueywon, Schoppe*, for himself, and *Okonichon, Merkekowon, Oreckton*, for *Nunnamsey, Shaurwacighon, Swanpisse, Nahoosey, Tomackhickon, Weskekitt, and Talawsis*, Indian Shackamakers, for the following lands, for themselves and their people. "Beginning at a certain White Oak, in the land now in the tenure of John Wood, and by him called the Graystones, over against the fall of Delaware river, and so from thence up the said river side to a corner marked Spruce tree, with the letter P, standing by the Indian path that leads to an Indian town called Playwisky, and near the head of a creek called Towissinon, and from thence westward to the creek called Neshammonys creek, and along by the said Nashammonys creek, unto the river Delaware, *alias*, Makerisk-kiton; and so bounded by the said river to the said first mentioned White Oak, in John Wood's land, and all those islands called or known by the several names of Matiniounsk island, Sapassineks island, and Oreskons island, lying or being in the said river Delaware, &c.

By an indorsement on this deed, dated August 1st, 1682, sundry Indian chiefs, not present at the execution of the deed in July, and who style themselves the right owners of the land called Sapassineks, and the island of the same name, ratify and approve it; signed, *Idquoqueywon, Swanpisse, Filerappomond, Essexamarthake, Nanneshesham, Pyserhay*. (Note. In a duplicate of this deed, the river Delaware is called Makerisk-kiskon.) These deeds are not recorded. This purchase was of considerable extent.

The deed of June 23d, 1683, is in these words, "We *Essepenaike, Swanpees, Okettarickon, and Wessapoak*, for us, our heirs and assigns, do dispose of all our lands lying betwixt Pemmapecka and Neshemineh creeks, and all along upon Neshemineh creek, and backward of the same, and to run two days' journey with an horse up into the country, as the said river doth go, to William Penn, proprietor and governor of the province of Pennsylvania, &c. his heirs and assigns forever, for the consideration of so much wampum, and so many guns, shoes, stockings, looking-glasses, blankets, and other goods, as he the said William Penn, hath pleased to give unto us, hereby for us, our heirs and assigns, renouncing all claims or demands of any thing in or for the premises for the future, from him, his heirs or assigns."

By another deed of the same date, *Tumanen* and *Metemequan*, release to William Penn, the same territory, omitting the *two days' journey*.

The extent of this purchase would be considerable, and greatly beyond the limits of the subsequent deed of September, 1718. Neither of these deeds is recorded.

June 25th, 1663. An Indian called *Wingebone*, conveys in the following terms, viz. "For me, my heirs and assigns, do freely grant and dispose of all my lands lying on the west side of the Schuylkill river, beginning



from the first falls of the same all along upon the said river, and backwark of the same, so far as my right goeth, to William Penn, &c. for so much wampum and other things, as he shall please to give us, &c

July 14th, 1683. *Secane* and *Icquoquasham*, Indian Shackamakers and right owners of the lands lying between Manaiunk, alias, Schuylkill, and Macopanackhan, alias, Chester river, grant and sell all their right and title in the said lands, lying between the said rivers, beginning on the west side of Manaiunk, [ ] called Conshohocken, [here an obliteration,] and from thence by a westerly line to the said river Macopanackhan.

And, on the same day, *Neneshickan*, *Malebore*, alias, *Pendunoughhah*, *Neshanocke*, [and *Osererem*, but not signed by him,] Shackamakers and right owners of all the lands lying between Manaiunk, alias Schuylkill, and Pemmapecka creeks, grant all their right, title and interest in their lands betwixt Manaiunk and Pemmapecka, so far as the hill called Conshohocken on the said river Manaiunk, and from thence by a *northwest line* to the river of Pemmapecka. None of these deeds are recorded.

What was the true situation of the Conshohocken hill, cannot perhaps, be now ascertained. That it could not be very high up the Schuylkill is apparent; otherwise a *northwest* line from it, as mentioned in the deed last recited, would never strike Pennepack creek; nor would the line mentioned in the deed of July, 1683, hereafter cited, touch the Chester and Pennepack creeks.

Though the name is now lost, it is most probable that it referred to some of the highlands between Wissahickon and Norristown.

September 10th, 1683. Grant from *Keketappan* of *Opasiskunk*, for his half of all his land betwixt Susquehanna and Delaware, which lieth on the Susquehanna side, with a promise to sell at the next spring, on his return from hunting, his right to the other half of said lands. (This deed is not recorded.)

October 18th, 1683. *Machaloha*, called himself owner of the lands from Delaware river to Chesapeake bay, and up to the falls of the Susquehanna, conveys his right to William Penn, to said lands, to enjoy them, live upon and quietly. (This deed is signed in the presence of many Indians, whose names are partly eaten off by mice, as is also a small part of the deed, where the blank is.—It is not recorded.)

June 3d, 1684. Deed from *Manghousin*, for all his land upon *Pahkehoma*, (*Perkeomink*, now *Perkioming*. This deed is not recorded.)

June 7th, 1684. *Richard Mettunicont*, calling himself owner of the land on both sides of Pemmapecka creek, on the river Delaware, releases to William Penn. —Not recorded.

July 30th, 1685. Deed from *Shakhoppoh*, *Secane*, *Malibore*, *Tangoras*, Indian shackamakers, and right owners of the lands lying between Macopanackhan, alias Upland, now called Chester creek, and the river or creek called Pemmapecka, now called Dublin creek, (Pennypack,) for all the land beginning at the hill called Conshohocken on the river Manaiunk, alias Schuylkill, from thence extending a parallel line to the said Macopanackhan, by a southwesterly course, and from the said Conshohocken hill to the aforesaid Pemmapecka, by the said parallel line northeasterly, and so up along the said Pemmapecka creek, as far as the creek extends, and so from thence northwesterly, back into the woods, to make up two full days' journey, as far as a man can go in two days from the said station of the parallel line, at Pemmapecka; as also beginning at the said parallel at Macopanackhan, and so from thence up said creek as far as it extends, and from thence northwesterly back into the woods to make up two full days' journey as far as a man can go in two days from the said station of the said parallel line at the said Macopanackhan. (This deed is not recorded.)

October 2d, 1685. Deed from *Pare*, *Packenah*, *Tareekhan*, *Sichais*, *Pitquassit*, *Tovis*, *Essepenack*, *Peskoy*, *Kekelappan*, *Eomus*, *Machaloha*, *Meshecong*, *Wissape-wey*, Indian kings, shackamakers, right owners of all the lands from Quing Quingus, called Duck creek, unto Upland, called Chester creek, all along by the west side of Delaware river, and so between the said creeks, backwards as far as a man could ride in two days with a horse, which they convey to William Penn. Recorded at Philadelphia, in book F. vol. 8, page 121.

In this place should follow a deed alleged to have existed, dated August 20th, 1686, for the walking purchase, and which occasioned much controversy and dissatisfaction among the Indians; it is, however, referred to, included in, and confirmed by the deed of August, 1737. It is certain no such original deed was in existence at the treaty of Easton, in 1757. It will be further noticed in the proper place.

June 15th, 1692. King *Taminent*, king *Tangorus*, king *Swampies*, and king *Hickoqueon*, by deed, acknowledged satisfaction for all that tract of land belonging to *Taminent* and others, "which they parted with unto William Penn, &c. the said tract lying between *Neshamina* and *Poquessing*, upon the river Delaware, and extending backwards to the utmost bounds of the province." This deed is not recorded.

These limits on the Delaware are precisely defined. The Poquessing, a name still retained, (as is *Neshaminy*.) is the original boundary between the counties of Philadelphia and Bucks, as ascertained in April, 1685. And tradition informs us, that near the lower side of the Poquessing, on the Delaware, on an elevated piece of ground, the city of Philadelphia was first intended to be built.

January 13th, 1796. Thomas Dongan, afterwards earl of Limerick, in the kingdom of Ireland, late governor of New York, by deed, conveys to William Penn, all that tract of land lying on both sides of the river Susquehanna, and the lakes adjacent, in or near the province of Pennsylvania, in consideration of one hundred pounds sterling.—Beginning at the mountains or head of said river, and running as far as, and into the bay of Chesapeake, which the said Thomas lately purchased of, or had given him by the Susquehanna Indians, with warranty from the Susquehanna Indians.

The Indian deed to Col. Dongan is not known now to exist, nor is there any trace of it in the public offices. It is known, however, that he was the agent of William Penn to make the purchase. This deed was confirmed in 1700. Yet we find the *Conestogoe* Indians complaining of it, at the treaty with Sir William Keith, in 1722, and alleging that William Penn, forty years before, got some person at New York, to purchase the lands on Susquehanna from the Five Nations who pretended a right to them, having conquered the people formerly settled there; and when the *Conestogoes* understood it, they were sorry; and that William Penn took the parchment, and laid it upon the ground, saying to them it should be common amongst them, viz. The English and the Indians, &c. The governor answered, "I am very glad to find that you remember so perfectly the wise and kind expressions of the great and good William Penn towards you; and I know that the purchase which he made of the lands on both sides of Susquehanna, is exactly true as you tell it, only I have heard further, that when he was so good to tell your people, that notwithstanding that purchase, the lands should still be in common between his people and them, you answered, that a very little land would serve you, and thereupon you fully confirmed his right, by your own consent and good will, &c."

The curious inquirer who wishes to be further informed of these transactions, now very unimportant, may consult the treaties of 1722 and 1727, in the council books.



July 5th, 1697. The deed from the great Sachem *Taminy*, his brother and sons, is in these words,—“We *Taminy*, *Sathimack* and *Weheeland*, my brother, and *Wehequeekhon*, alias *Andrew*, who is to be king after my death, *Yaqueekhon*, alias *Nicholas*, and *Quenamockquid*, alias *Charles*, my sons, for us, our heirs and successors, grant, &c. all the lands, woods, meadows, rivers, rivulets, mines, minerals, and royalties whatsoever, situate, lying and being between the creek called Pemmopect, and the creek called Neshaminy, extending in length from the river Delaware, so far as a horse can travel in two summer days, and to carry its breadth according as the several courses of the said two creeks will admit, and when the said creeks do so branch, that the main branches, or bodies thereof cannot be discovered, then the tract of land hereby granted, shall stretch forth upon a direct course, on each side, and so carry on the full breadth, to the extent of the length thereof.

Acknowledged in open court, at Philadelphia, 6th July, 1697. Recorded in the Rolls Office, 7th of the 12th month, 1698. in book E 3, vol. 5, page 57, &c.

September 13th, 1700. *Widagh* and *Andaggy-juncquagh*, kings or sachems of the Susquehanna Indians, and of the river under that name, and lands lying on both sides thereof. Deed to W. Penn for all the said river Susquehanna, and all the islands therein, and all the lands situate, lying and being upon both sides of the said river, and *next adjoining to the same*, to the utmost confines of the lands *which are*, or *formerly were*, the right of the people or nation called the Susquehannagh Indians, or *by what name soever they were called*, as fully and amply as we or any of our ancestors, have, could, might, or ought to have had, held or enjoyed, and also confirm the bargain and sale of the said lands, made unto *Col. Thomas Dongan*, now earl of Limerick, and formerly governor of New York, *whose deed of sale* to said governor Penn *we have seen*. Recorded in Book F. vol. 8, page 242.

The above is the deed referred to by Sir William Keith, at the treaty with the Conestagoes, in 1722. It is remarkable, that the Indian deed to Col. Dongan, was not produced, and it seemed to have been conceded, that his purchase was from the Five Nations, who pretended right to the lands by conquest; and the words in italics appear to have been intended to embrace and confirm the title however derived. Nor did the purchase include any extent of land. It is true it is left indefinite; being for land on *both sides* of the river, and *next adjoining to the same*; but the great object of William Penn was to secure the river through the whole extent of the province; and although it was not designed for immediate settlement, the great foresight of the proprietor would not permit him to relinquish this important grant, which was to secure the whole of the Susquehanna, from the pretensions of the adjoining colonies, and at this time the charter bounds were not distinctly known, but, for a long time afterwards they were considered as extending at least to the *Owego*, and including a considerable part of the river, now, unquestionably, known to be within the limits of New-York. No opportunity was therefore lost to bring this title to the view of the Indians. Accordingly, in articles of agreement between William Penn, and the Susquehanna, Shawona, Potowmack and Conestogoe Indians, dated April 23d, 1701. (Recorded in Book F. vol. 8, page 43.) Among other things they ratify and confirm governor Dongan's deed of January 1796, and the above deed of the Susquehanna Indians, of September, 1700.

And notwithstanding the limits defined in the deed of September 1718, which will shortly follow, we find Dongan's deed insisted on, and acquiesced in, at Susquehanna, in 1722; and again, at a treaty held at Philadelphia, in July 1727, between governor Gordon, and the deputies of the Five Nations; in answer to the deputies, who said the governor had divers times sent for them and they had therefore come to know his pleasure,

and made an offer to sell lands; the governor tells them, “that he is glad to see them, that he takes their visit very kindly at this time, but that they were misinformed when they supposed the governor had sent for them; that governor Penn had, by means of *Col. Dongan*, already bought of the *Five Nations*, the lands on Susquehanna; that the chiefs of the Five Nations, when Sir William Keith was at Albany, had of themselves confirmed the former grant, and absolutely released all pretensions to these lands.” The release here stated to have been made at Albany, in 1722, is however, not to be now found.

About this period the Indian purchases become more important, and the boundaries more certain and defined, and principles were established, and acquired the force of settled law, of deep interest to landholders; and which have been since uniformly recognized, and at this moment govern and control our judicial tribunals.—To live in peace and friendship with the natives, was a part of the benevolent system of the venerable and virtuous founder of Pennsylvania. To a people averse from warfare, from conscientious motives, every thing which would tend to provoke their warlike neighbours, and irritate them to lift the tomahawk, was most carefully to be avoided; and we find no common attention bestowed upon this momentous subject by the government. When the natives sold their lands, it was understood distinctly, that the white people should not settle or encroach upon their hunting grounds, and lands reserved by them; nor was a single attempt thus to settle, unattended by complaints and uneasiness. The Indians observed their treaties with fidelity, and the boundaries appear to have been always accurately understood by them.

On the 17th of September, 1718, there is a deed of release from sundry Delaware Indian chiefs, viz. *Sassoonah*, *Meelashchay*, *Ghettypeneeman*, *Pokehats*, *Admackan*, *Opekasset*, and *Pepawmamam*, for all the lands situate between the two rivers, Delaware and Susquehanna, from Duck creek, to the mountains on this side *Lechay*, with an acknowledgment, that they *had seen and heard divers deeds of sale* read unto them, under the hands and seals of former kings and chiefs of the Delaware Indians, their ancestors and predecessors, who were owners of said lands, by which they had granted the said lands to William Penn, for which they were satisfied and content, which, for a further consideration of goods delivered them, they then confirmed—This deed is recorded, May 13th, 1728, in Book A. vol. 6, page 59.

It is therefore to be observed, that the undefined limits of all the preceding deeds, westward, *two days journey* with a horse, &c. which would have extended far beyond the Lehigh hills, are here restricted to those hills, which so far as related to the purchasers from the Delawares, were the boundaries of the purchased lands.

The settlers, notwithstanding, encroached on the Indian lands beyond this boundary, which occasioned great anxiety and uneasiness among the Delawares. The complaints of the aged *Sassooman*, were eloquent and pathetic. Violence had ensued, and blood had flowed. Preparations had been made, and alliances were forming for war, but by prudence and skill, the danger was turned aside.

(To be continued.)

Pottsville is the only place in the United States in which the signing of the Constitution has been celebrated. It is a good thing to remind the people occasionally that there is such an instrument in existence.—*Miners' Journal*.



**PENNSYLVANIA AND OHIO CANAL.**—At a meeting, held at Beaver, the following resolutions, among others, were passed, and the following strong delegation appointed.

“Whereas, the connexion of the Pennsylvania with the Ohio Canal from Akron to the Beaver Division of the Pennsylvania Canal, at or near Newcastle, would not only tend to benefit the section through which it passes, but is of vital importance to the State of Pennsylvania, inasmuch as it will secure her cities of Pittsburg and Philadelphia, the greater portion of the trade of the upper Lakes, and of the State of Ohio, and States further west of Ohio; whilst it affords to Pennsylvania a new outlet and a new market for her iron and other manufactures—Therefore,

Resolved, That we view with pleasure the efforts that are now making by the citizens of Pittsburg, Philadelphia, and elsewhere, to arouse public attention to this very important object.

Resolved, That we most cordially approve of the Convention proposed to be held at Warren, on the 13th of November next, called for the purpose of promoting and aiding in the accomplishment of the aforesaid object.

Resolved, That the county of Beaver, having a deep interest in the completion of the cross cut canal, her interests ought to be represented, and her wishes expressed, in that Convention—Therefore,

Resolved, That this meeting appoint ten Delegates to represent Beaver county in that Convention; and that Dr. Oliver Cunningham, Thomas Henry, Esq., Gen. Abner Lacoec, James Patterson, Joseph Hoops, Benjamin Adams, Esq., Dr. Joseph Pollock, Dr. Charles Whippo, John Dukehart, jr., and John Clark, Esq., be appointed said Delegates.

Resolved, That this meeting deem it of great importance that the city of Pittsburg and county of Allegheny be represented in said Convention, and therefore recommend that they assemble and appoint Delegates for that purpose.”

Our friends at Beaver need not be uneasy. Pittsburg will be represented in Convention—the current of opinion is irresistible.

From the Pittsburg Gazette.

**REMINISCENCES.**—On the 22d of November, 1753, not quite eighty years ago, George Washington then on his way to Le Bœuf, arrived at this place—then called “the Forks.” At that time there was not a single white face residing on or near this point, where so many thousand inhabitants are now living.

It may be a matter of proud recollection to Pittsburghers, that the first accurate description of this point was given by the pen of the father of his country—the man, who was truly the “best and the greatest,” and that the vicinity of Pittsburg was the field of his first fame.

There was a singular variety and contrast in the aspect of circumstances under which Washington visited this place and its vicinity, at different periods. On the 22d of November, 1753, he arrived as the *mere messenger of a single Colonial Governor*, and spent some time in examining the situation of the point—all then was peace and solitude here—nothing disturbed his meditations but the music of the feathered inhabitants of the forest. On the 9th of July, 1755, he again approached this place, with all the “pomp and circumstance of war,” under Braddock; was met with the sharp report of the rifle and fierce yell of the savage, and compelled to retreat in haste and disorder, with a discomfited army, and a dying commander.

Again, on the 25th of November, 1758, *under the command of General Forbes*, he approached this point in glorious triumph, and in taking possession of Fort du Quesne, which had just been abandoned by the flying Frenchmen.

And yet again, in October, 1794, as *commander in*

*chief of the army and navy of United America*, he advanced *towards* this place, against the refractory and turbulent citizens of these western counties, and had then the glorious good fortune to reduce the misguided insurgents to obedience, and restore peace and order, without the loss of a single life, or a drop of blood.—*Pittsburg Gaz.*

A meeting has been held in the vicinity of Waynesburg, at which a committee was appointed to fix the boundaries of a new county, to be taken out of parts of Berks, Chester, and Lancaster counties.

SOMERSET, Oct. 30.

**THE WEATHER.**—Yesterday morning we rose and found the earth clothed in a new dress—during the night a snow had fallen to the depth of about two inches. This is the fourth snow that has visited us this season.—*Somerset Whig.*

POTTSVILLE, Nov. 2.

**COLD WEATHER.**—On Wednesday morning last the ground in this place was covered with snow, and on the Broad Mountain snow had fallen to the depth of two or three inches—and ice an inch thick or upwards, has been visible here for several mornings past.—*Id.*

CLEARFIELD TOWN, Oct. 31.

**THE WEATHER.**—The past month has been more than usually unfavorable to out-door work, especially to the farmer. Owing to the almost constant cold rain, but little seed has been sown in this county for a month past, and no appearance of change in the weather yet; and unless the weather moderates shortly, many farmers will not be able to get in half what they have prepared, as seeding time is well nigh past, and the atmosphere at present having every appearance of the commencement of winter. We had snow on the 20th, and frequently since, with hard freezing. Many of our oldest inhabitants say the like has not taken place for twenty years. A portion of the Buckwheat spared by the early frost bids fair to be left out over winter.

**POTTSVILLE AND DANVILLE RAIL ROAD.**—We understand that the result of the experiment on the 2d inclined plane of the Pottsville and Danville rail road, announced in our last paper, (through the politeness of Mr. Campbell, Engineer, under whose direction it was undertaken,) was entirely satisfactory, and contributes much to the gratification of the spectators who witnessed it. We are informed that the car passed up and down the inclined plane with every facility, carrying numerous passengers; and that nothing occurred to diminish the sanguine expectations entertained by the friends of the rail road, concerning its operation. We avail ourselves of the present occasion to mention that the whole work, so far as it has been commenced, is in a train of vigorous and successful prosecution, and that this end of the route is rapidly approaching a completion. We trust that the period is not distant when the remaining portion of the road will be placed under contract, as the advantages of the work can scarcely be appreciated until a connexion is effected with the Susquehanna.—*Id.*

**THE RAIL ROAD.**—The Contractor on Section No. 1, commenced laying the blocks on the inclined plane on Wednesday last; and this day intends to begin the laying of the rails.

The engine house at the head of the inclined plane is so far completed that the carpenters are engaged in putting on the roof.

We understand that a car has been placed on that part of the road near Lancaster which is completed, for the accommodation of those who wish to enjoy the novelty of travelling on a railway.—*Columbia Spy.*



**STEAM ENGINES IN AND NEAR PITTSBURG.**—Mr. Samuel Church, has just called and furnished us with a list of the number of steam engines now in operation in this city and its immediate vicinity; the power of each engine, the number of hands employed, and the amount of coal consumed monthly. Mr. Church has, himself, been at the trouble and expense of having this statement made out—it is entirely satisfactory, so far as it goes, but there are still many in the county, not embraced in this list. We hope to receive a list of these also, through the kindness of the manufacturers or owners.

The number of engines, embraced in Mr. Church's list, is eighty-nine—the number of hands employed, 2111—the monthly consumption of coal, 154,250 bushels. We will publish this statement next week.

The following is a list of the taxable inhabitants of each borough and township in the county—and also the valuation and amount of taxes which each borough and township pays; taken from the duplicates of 1833.

Taxables.	Valuation.	Taxes.
Pottsville	950 \$326,678	2,107 44½
Orwigsburg	148 158,877	526 69
Norwegian Township	614 725,422	2,887 91
Brunswick	408 315,918	1,734 08½
Manheim	501 389,004	1,571 28
Pinegrove	322 270,007	1,120 71
Wayne	283 174,368	677 86½
West Penn	324 181,082	701 36
Lower Mahantango	234 138,046	551 41
Upper Mahantango	247 139,217	554 42
Schuylkill	188 72,489	587 25
Rush	88 108,657	440 18
Barry	111 108,590	450 21½
Union	124 95,538	395 46½

4541 \$3,203,893 \$14,306 25½  
The following table will show that a larger majority of the taxable inhabitants of Schuylkill county resides nearer Pottsville than Orwigsburg—and that a much larger proportion of taxes are assessed in what may be termed the upper part of the county, than in the lower part.

Pottsville	950	\$2107 41½
Norwegian	614	2887 91
Barry	111	450 21½
Upper Mahantango	247	554 42
Lower Mahantango	234	551 41
½ of Rush, Union and Schuy'l	200	706 44½
½ of Manheim	250	785 62½
½ of Wayne	141	338 03
½ of Pinegrove	161	560 35½
	2900	8942 75½

*Miners' Journal.*

#### MR. LESLIE.

The following correspondence will show that our citizens, and especially the artists, are not insensible to the character and worth of Mr. Leslie. The tribute to this distinguished gentleman, as it was meet it should, emanated directly from those, who, like himself, have given most of their days in honoring and advancing the fine arts.—*Commercial Herald.*

*Philadelphia, Nov. 1st, 1833.*

Dear Sir—The undersigned, a committee appointed by the Artists of Philadelphia, to welcome your return among them, after an absence of twenty-two years, respectfully invite you to fix a day to partake of a dinner with them.

We have it expressly in charge, in bidding you welcome to this City, to assure you of our warm attachment for your person and character, and of our exultation at

the honor which your genius has conferred upon the fine arts of our country.

With sentiments of great regard,

We are, Sir, your obedient serv'ts,

(Signed,)

THOS. SULLY,  
WM. STRICKLAND,  
C. G. CHILDS,  
J. B. LONGACRE,  
WM. E. TUCKER, } Committee.

To Charles R. Leslie, Esq.

REPLY.

*Philadelphia, Nov. 2d, 1833.*

Dear Sirs—My duties at West Point leave me but a few days to remain in Philadelphia, and my engagements here are so numerous, as to put it entirely out of my power to accept the very kind invitation of my brother Artists, communicated to me by you in so flattering a manner.

I trust I shall have many opportunities of renewing that intercourse with my early friends, among you, which I have never ceased to remember with unmingled pleasure, and of becoming known to the many who have distinguished themselves, and done honor to our country, by the successful cultivation of the Fine Arts, during my long absence.

Accept, gentlemen, my warm thanks for your kindness, and believe me to be, With great regard,  
Your obedient servant,

C. R. LESLIE.

To Thos. Sully, Wm. Strickland, C. G. Childs, J. B. Longacre, and Wm. E. Tucker, Esq's.

LEHIGH COAL TRADE—1833.—Despatched from Mauch Chunk for the week ending 10th month 25th—	
79 Boats, carrying	3,785 Tons.
2285 Boats, (last report,)	100,528 Tons.
2364 Boats, Total,	104,313 Tons.

SCHUYLKILL COAL TRADE—1833.—Despatched during the week ending the 3d inst—	
84 Boats carrying	3,534 Tons.
4366 Boats, last report	184,808 Tons.
4450	187,162 Tons.
719 Boats Little Schuylkill coal trade	30,131 Tons.
5169	217,296 Tons.

LACKAWANNA COAL TRADE—1833.—Despatched from Honesdale for the week ending October 16th, 145 Boats, carrying	
	33,150 Tons.

Total amount since April 25th, 91,890 Tons.

Extract of a letter from M. Boucher, an eminent Silk Merchant at Paris, to Mr. John D'Homergue, of this city, dated 12th August, 1833.

"The minister of Commerce has granted to me what the American Congress has refused to the venerable and patriotic Peter S. Du Ponceau, to wit, the establishment of a special school, for instruction in the silk business, from the culture of the mulberry tree, to the throwing and twisting of the raw material, inclusive. I have been directed to submit a plan for the organization of that school in its various branches. It is to be established in one of the southern cities, which I shall point out.

"Your specimen of Bank paper with engraved Vignettes, has been presented to the Minister of Commerce, as a product of your new industry. We congratulate you upon it."



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 20. PHILADELPHIA, NOVEMBER 16, 1833. NO. 307

## LAND TITLES.

(Continued from page 302.)

At the treaty at Philadelphia, in 1728, *Sassoonan*, addressing himself to Mr. James Logan, the proprietary secretary, and principal commissioner for land affairs, said, 'That he was grown old, and was troubled to see the Christians settle on lands that the *Indians* had never been paid for; they had settled on his lands, for which he had never received any thing; that he was now an old man, and must soon die; that his children may wonder to see all their father's lands gone from them without his receiving any thing for them; that the Christians made their settlements very near them, and *they would have no place left of their own to live on*; that this might occasion a difference between their children hereafter, and he would willingly prevent any misunderstanding that might happen.'

Mr. Logan, with the leave of the governor, answered, "That he was no otherwise concerned in the lands of the province, than as he was entrusted with other commissioners, by the proprietor, to manage his affairs of property in his absence; that William Penn *had made it a rule*, never to suffer any lands to be settled by his people, *till they were first purchased of the Indians*; that his commissioners had followed the same rule, and how little reason there was for any complaint against him or the commissioners, he would make appear. He then proceeded to relate to them the circumstances connected with the release of 1718, for the lands from *Duck Creek to near the forks of Delaware*, and that the Indians were then entirely satisfied with it; and the instrument of release was then read to them.

*Sassoonan* and *Ohekasset*, both acknowledged this deed to be true, and that they had been paid for all the lands therein mentioned; but *Sassoonan* said, the lands beyond these bounds had never been paid for; *that these reached no farther than a few miles beyond Oley*, but that their lands in *Tulpyhockin*, were seated by the Christians.

Mr. Logan answered, that he understood, at the time that deed was drawn, and ever since, that the *Lechay hills* or mountains, stretched away a little from below *Lechay*, or the forks of Delaware, to those hills on *Susquehanna*, that lie about ten miles above *Paxton*; Mr. Farmer said those hills passed from *Lechay*, a few miles above *Oley*, and reached no further, and that *Tulpyhockin* lands lay beyond them.

Whether, continued Mr. Logan, those lands of *Tulpyhockin* were within or without the bounds mentioned in the deeds, he well knew that the Indians, some few years since, were seated on them, and that he, with the other commissioners, would never consent that any settlement should be made on lands where the Indians were seated; that these lands were settled wholly against their minds, and even without their knowledge; but he desired of the Indians, that though these people had seated themselves on the *Tulpyhockin* lands without the commissioners, leave or consent, yet that they would not offer them any violence, or injure them, but wait till such time as that the matter could be adjusted."

In this the Indians acquiesced, and having waited some time without receiving any satisfaction for their land, and the encroachments still increasing, they re-

newed their complaints. The French at Montreal were likewise endeavoring to gain them over to their interest, and it was seen both by the assembly and governor, that it was but just and reasonable, and that it concerned the peace of the country, that the Indians should be made easy respecting their lands, and their complaints removed. The state of affairs gave rise to the treaty of 1732, shortly after the arrival of Thomas Penn, who was present at it. See votes of assembly, vol. 3, page 158.

Previous, however, to this treaty, there appears to have been a release, but not recorded, from sundry Indians, for all the land on both sides of the Brandywine creek, from the mouth thereof, where it enters the river Delaware, up to a certain rock in the said creek, near the upper line of Abraham Marshall's land. It is unimportant to inquire at what point this purchase ended. It could have been intended merely to extinguish some claims, probably not well founded; and the same land was included in the release of 1718. This release is dated, May 31st, 1726.

September 7th, 1732, *Sassoonan alias Allummapis*, sachem of the Schuylkill Indians, *Elulapis, Ohupamen, Pesquetomen, Mayemo, Partridge, Tepakoaset*, alias *Joe*, grant all those tracts of land or lands, lying on or near the river Schuylkill, or any of the branches, streams, fountains, or springs thereof, eastward or westward, and all the lands lying in or near any swamps, marshes, fens, or meadows, the waters or streams of which flow into or towards the river Schuylkill, situate, lying, and being between those hills called *Lechay hills*, and those called *Kekachtanemin hills*, which cross the said river Schuylkill, about thirty miles above the said *Lechay hills*, and all land whatsoever lying within the said bounds, and between the branches of Delaware river on the eastern side of the said land, and the branches or streams running into the river *Susquehanna* on the western side of the said land. That is to say, all those lands situate, lying, and being on the said river Schuylkill, and the branches thereof, between the mountains called *Lechay* to the south, and the hills or mountains called *Kekachtanemin* on the north, and between the branches of the Delaware river on the east, and the waters falling into the *Susquehanna* river on the west.

Ratified by *Lingohonoa*, a Schuylkill Indian, who was not present at signing the foregoing deed, 12th July, 1742.

Confirmed by deed of release, 20th of August, 1733, which is in fact a release for the consideration of said lands, received by them. This release is also confirmed by *Lingahonoa*, 12th July, 1742, acknowledging that he had received his portion of the consideration.

These deeds and releases have never been recorded.

The lands at *Tulpehocken* were quieted by this deed; but as it embraced none of the lands on the Delaware, or branches leading into it, the discontent of the Indians still continued with regard to the settlements at the *Minisinks*, near forty miles above the *Lechay hills*, which was the northern boundary according to the deed of 1718. Although considerable obscurity rests upon the deed of 1686, yet presuming its existence, the purchase had never been walked out. And if any reliance can be placed in the authenticity of a letter from James Logan, dated 20th November, 1727, and printed a



London in the year 1759, and said to have been compared with the original then in being, any claim under the deed of 1686, would appear to have been abandoned. The letter is in these words, "Friend Thomas Watson, this morning I wrote to thee by Joe Taylor, concerning warrants that may be offered thee to be laid out on the Minissink lands, and was then of opinion that the bearer hereof, Joseph Wheeler, proposed to lay his there. Having since seen him, he tells me he has no such thought, but would have it laid three or four miles above Durlam, on a spot of pretty good land there amongst the hills, and I think at some distance from the river, proposing, as he says, to live there him self with his kinsman, who was here with him; pray take the first opportunity to mention it to I. Langhorne, for if he has no considerable objection to it, (that is, if he has laid no right on it,) I cannot see that we should make any other than that it is now purchased of the Indians, which is so material an one, that without their previous engagement to part with it very reasonably, it cannot be surveyed there. But of this, they themselves, I mean Joseph Wheeler, &c. propose to take care. This is what offers on this head, from thy loving friend, James Logan." The forks of Delaware were, notwithstanding, settled; and to this, among other causes, was attributed by the writers of the day, the alienation of the Delawares and the Shawanese, from the British interests.

After several ineffectual attempts to compose the clamors of the Delawares, it is said the proprietor complained of them to the Five Nations. In 1736, the deputies of the Five Nations arrived, and a treaty was held with them, at which Conrad Weiser was an important agent. The deed of 1736 is as follows:

October 11th, 1736 Whereas the late proprietary of the province of Pennsylvania, William Penn, Esq. soon after his first arrival in the said province, took measures to have the river Susquehanna, with all the lands lying on both sides of the same, purchased for him and his heirs, of those Indians of the Five Nations inhabiting in the province of New York, who claimed the property thereof, and accordingly did purchase them of Col. Thomas Dungan, formerly governor of New York, and pay for the same; notwithstanding which, the Indians of the Five Nations aforesaid, have continued to claim a right in and to the said river and lands, nor have those claims been hitherto adjusted; whereupon the said sachems or chiefs, having, with all the others of the said nations, met the last summer at their great council, held in the country of the said Onondagoes, did resolve and conclude that a final period and conclusion should be put to all disputes that might possibly arise on that occasion, and having appointed the aforesaid sachems or chiefs, as plenipotentiaries of all those nations to repair to Philadelphia, in order to confirm the several treaties of peace which have hitherto been concluded between them, and the said province, and also to settle and adjust all demands and claims that have been heretofore made, or hereafter may be made, touching or concerning the aforesaid river Susquehanna, and the lands lying on both sides thereof; and the said sachems or chiefs of the Five Nations aforesaid, having for themselves, and on behalf of the said Nations, renewed and ratified the treaties of friendship and peace subsisting between them and the said province, did afterwards proceed to treat and agree with the honorable the proprietors thereof, about the said river and lands. Now know ye, &c. — grant, &c. to John Penn, Thomas Penn, and Richard Penn, their heirs, successors and assigns, all the said river Susquehanna, with the lands lying on both sides thereof, to extend eastward as far as the heads of the branches or springs which run into the said Susquehanna, and all the lands lying on the west side of the said river, to the setting of the sun, and to extend from the mouth of the said river, northward, up the same to the hills or mountains called in the language of the said nations Taya-

mentasachta, and by the Delaware Indians, the Kekach-tanamin hills. Signed by 23 Indian chiefs of the Onondago, Seneca, Oneida, and Tuscarora nations, recorded in Book C. vol. 1, page 277, May 7th, 1741.

What is remarkable at this period, is, that the Indian chiefs, on their return, staid several days with Conrad Weiser, at Tulpehocken, and there executed the following deed dated October 25th, 1736, which is proved and recorded in Book C. vol. 2, page 350, May 22d, 1741.

We, the chiefs of the Six Nations of Indians, the Onondagoes, Isanundowans, or Sennekas, Cayoogoes, Oneydus, Tuscaroroos, (in behalf also of the Canyngoes, or Mohacks,) who have lately, at Philadelphia, by our deed in writing, dated the 11th day of this instant, October, released to John Penn, Thomas Penn, and Richard Penn, proprietors of Pennsylvania, and to their heirs and successors, all our right, claim, and pretensions to all the lands on both sides of the river Susquehanna, from the mouth thereof as far northward, or up the said river as that ridge of hills called the Tyoninhasachta, or endless mountains, westward to the setting of the sun, and eastward to the farthest springs of the waters running into the said river, do hereby further declare, that our true intent and meaning by the said writing, was and is to release, and we do hereby more expressly release to the said proprietors, &c. all the lands lying within the bounds and limits of the government of Pennsylvania, beginning eastward on the river Delaware, as far northward as the said ridge, or chain of endless mountains, as they cross the country of Pennsylvania, from the eastward to the west; and they further engage, never to sell any of their lands to any but the proprietors, or children of William Penn.

There is an indorsement of ratification on this deed, dated 9th of July, 1754, signed by nine Indians.

But notwithstanding this latter deed, it was earnestly contended by those who were unfriendly to the proprietary proceedings, and probably from an apprehension or foresight of the disasters which ensued, that the right of the Five Nations lay only on the waters which run into the Susquehanna; and as they claimed no lands on the Delaware, they could by that instrument convey none. However this fact may have been, we find about eighteen months afterwards, the proprietors procured a release from the Delawares, for at least part of these lands, or a confirmation of the supposed deed of 1686, or the walking purchase. This singular release is in the following words:

August 25th, 1737. We, Teshakomen, alias Tishakunk, and Nootamis, alias Nutimus, two of the sachems, or chiefs of the Delaware Indians, having almost three years ago, at Durham, begun a treaty with our honorable brethren, John and Thomas Penn, and from thence another meeting was appointed to be at Pennsylvania the next spring following, to which we repaired, with Lappawinzo, and several others of the Delaware Indians, at which treaty several deeds were produced, and shewed to us by our said brethren, concerning several tracts of land, which our forefathers had more than fifty years ago, bargained and sold unto our good friend and brother William Penn, the father of the said John and Thomas Penn, and in particular, one deed from Maykeerickisho, Sayhoppy and Taughhauglsey, the chiefs or kings of the northern Indians on Delaware, who for, &c. did grant, &c. all those lands lying and being in the province of Pennsylvania, beginning upon a line formerly laid out from a corner spruce tree by the river Delaware, (Makeerikkiton,) and from thence running along the ledge or foot of the mountains, west-northwest to a corner white oak, marked with the letter P. standing by the Indian path that leadeth to an Indian town called Playwickey, and from thence extending westward to Neshameny creek, from which said line, the said tract or tracts thereby granted, doth extend itself back into the woods, as far as a man can go in one day and an half, and bounded on the westerly side with



the creek called Neshamony, or the most westerly westerly branch thereof, and from thence by a line to the utmost extent of the said one day and an half's journey, and from thence

to the aforesaid river Delaware, and from thence down the several courses of the said river to the first mentioned spruce tree, &c. But some of our old men being absent, we requested more time to consult with our people, which request being granted, we have, after more than two years, from the treaty at Pennsbury, now come to Philadelphia, together with our chief sachem, Monockykichan, and several of our old men. They then acknowledge that they were satisfied that the above described tract was granted by the persons above mentioned, and agree to release to the proprietors all right to that tract, and desire it may be walked, travelled, or gone over by persons appointed for that purpose. (Signed,) Manockykichan, Lappawinzoë, Teshacomin, Nootamis.—And witnessed by twelve other Indians, in token of full and free consent, besides other witnesses. Recorded May 8th, 1741, in book G vol. 1, page 282.

The walk was accordingly made; but it tended only to increase the dissatisfaction of the Indians.—In giving this summary of the causes and effects of the Indian treaties, it is not designed, nor is it calculated, to encroach on the province of history, which embraces a broader ground, but merely to connect them together, and shew how intimately they depend on each other. Nor will it escape the observation of the reader, how materially the frequent recurrence to, and confirmation of, Col. Dongan's deed, bears upon the deed of the 11th July, 1754, from the Indians to Connecticut claimants, whether that deed were real or fictitious.

This walk extended, it is said, about thirty miles beyond the Lehigh hills, over the Kittatinny mountain; and a draught of it was made by Surveyor General *Eastburn*, including the best of the lands in the forks of Delaware, and the Minissinks. The walkers were expert, and the Indians who could not keep up with them, complained that they ran; and moreover it would appear that their expectation was that the walk was to be made up the river, by its courses. It is not intended to enter further into the controversy than to exhibit the general grounds which are said to have estranged the Delawares from our interest, and drove them into that of the French, who were always ready, in those times, to increase their dissatisfaction with the English. *Nutinus* and others, who signed the release of 1737, were not willing to quit the lands, nor give quiet possession to the people who came to take up the lands and settle in the forks. They remonstrated freely, and declared their resolution of maintaining possession by force of arms. In the year 1741, therefore, a message was sent to the Six Nations, who, it was well known, had great authority over the Delawares, to press them to come down and force the Delawares to quit the forks. They accordingly came in the summer of 1742, to the number of two hundred and thirty. Governor *Thomas*, in his message to the assembly of the 24th July, in that year, among other things, tells them, "That their coming down was not only necessary for the present peace of the province, in regard to some *Indians* who had threatened to maintain by force their possession of lands which had been long ago purchased of them, and since conveyed by the proprietaries to some of our own inhabitants; but for its future security, like-wise, in case of a rupture with the French, who will leave no methods unessayed to corrupt their fidelity, and to persuade them to turn their arms against us. Votes of assembly, vol. 3, page 481—2.

At this treaty, at Philadelphia, the governor informed the deputies of the conduct of their cousins, a branch of the Delawares, who gave the province some disturbance about the lands the proprietors purchased of them, and for which their ancestors had received a valuable

consideration about fifty-five years ago, (alluding to the deed of 1686, confirmed by the deed of 1737.)—That they continued their former disturbances, and had the insolence to write letters to some of the magistrates of this government, wherein they had abused the worthy proprietaries, and treated them with the utmost rudeness and ill manners; that being loth, out of regard to the Six Nations, to punish the Delawares as they deserved, he had sent two messages to inform them the Six Nation deputies were expected here, and should be acquainted with their behaviour. That as the Six Nations, on all occasions, apply to this government to remove all white people that are settled on lands before they are purchased from them, and as the government use their endeavours to turn such people off, so now he expects from them that they will cause these *Indians* to remove from the lands in the forks of Delaware, and not give any further disturbance to the persons who are now in possession.

The deeds and letters were then read, and the draught exhibited.

*Cannassatego*, in the name of the deputies, told the governor, "That they saw the Delawares had been an unruly people, and were altogether in the wrong; that they had concluded to remove them, and oblige them to go over the river Delaware, and quit all claim to any lands on this side for the future, since they had received pay for them, and it is gone through their guts long ago."—Then addressing himself to the Delawares, in a violent and singular strain of invective, he said, "They deserved to be taken by the hair of the head, and shaken severely, till they recovered their senses, and became sober; and he had seen with his eyes a deed signed by nine of their ancestors about fifty years ago, for this very land, (1686,) and a release signed not many years since, (1737,) by some of themselves, and chiefs, yet living, (*Sassoonan* and *Nutinus* were present,) to the number of fifteen and upwards; "but how come you, continued he to the Delawares, to take upon you to sell lands at all? We conquered you; we made women of you; you know you are women, and can no more sell land than women; nor is it fit you should have the power of selling lands, since you would abuse it. This land that you claim is gone through your guts; you have been furnished with clothes, meat, and drink, by the goods paid you for it, and now you want it again like children as you are. But what makes you sell lands in the dark? Did you ever tell us that you had sold this land? Did we ever receive any part, even the value of a pipe shank, from you for it? You have told us a blind story, that you sent a messenger to us, to inform us of the sale, but he never came among us, nor we ever heard any thing about it. This is acting in the dark, and very different from the conduct our Six Nations observe in the sales of land. On such occasions they give public notice, and invite all the Indians of their united nations and, give them all a share of the present they receive for their lands. This is the behavior of the wise united nations. But we find you are none of our blood; you act a dishonest part not only in this, but in other matters; your ears are ever open to slanderous reports about your brethren. For all these reasons we charge you to remove instantly; we don't give you liberty to think about it. You are women. Take the advice of a wise man, and remove instantly. You may return to the other side of Delaware where you came from; but we do not know whether, considering how you have demeaned yourselves, you will be permitted to live there, or whether you have not swallowed that land down your throats, as well as the land on this side. We therefore assign you two places to go to, either to *Wyomen* or *Shamokin*. You may go to either of these places, and then we shall have you more under our eye, and shall see how you behave. Don't deliberate, but remove away, and take this belt of wampum." He then forbid them ever to intermingle in land affairs, or ever hereafter pretend to sell any land, and commanded



them, as he had something to transact with the *English*, immediately to depart the council.

The Delawares dared not disobey this peremptory command. They immediately left the council, and soon after removed from the forks; some, it is said, went to *Wyoming* and *Shanokin*, and some to the *Ohio*. This strangely was terminated the purchase of 1686—admitting the deed to have once existed. But even at this treaty with the Six Nations, it was not admitted that the proprietary right extended *beyond the Kitt-chinny hills*; and the deputies complained that they were not well used with respect to the land still unsold by them. “Your people, (they said,) daily settle on these lands, and spoil our Hunting. We must insist on your removing them, as you know they have no right to settle to the northward of the *Kittlochinnny hills*. In particular we renew our complaints against some people who are settled on *Juniata*, a branch of *Susquehanna*, and all along the banks of that river as far as *Muhanay*, and desire they may forthwith be made to go off the land, for they do great damage to our cousins the Delawares.”

With respect to the people settled at *Juniata*, the Governor replied, “that some magistrates were sent expressly to remove them, and he thought no persons would presume to stay after that.” Here they interrupted the Governor, and said, “These persons who were sent do not do their duty; so far from removing the people, they made surveys for themselves, and they are in league with the trespassers; we desire more effectual methods may be used, and honest men employed,” which the Governor promised should be done. But we shall have occasion again to recur to this point. It is necessary only to add, at this time, the strong expressions of the speaker to the Governor—“We have given the river *Juniata* for a hunting place to our cousins, the Delaware Indians, and our brethren the *Shawnese*, and we ourselves hunt there sometimes. We therefore desire you will immediately by force remove all those that live on the river *Juniata*.” And what less could be demanded after the expulsion of the *Delawares* from the Forks?

Soon after this it appeared that the *Shawnese* were endeavouring to draw the Delawares from *Shamokin* to the *Ohio*, and that there were some heart-burnings between the Delawares and the Six Nations, and that the former only wanted a favourable opportunity to throw off the yoke, which they afterwards did, and to revenge the insults that had been offered to them at *Philadelphia*, in 1742. See votes of assembly, vol. 3, p. 555.

We shall now proceed to the causes and circumstances which produced the treaty and purchases of 1749.

A meeting of the deputies from each of the Six Nations, had been appointed, by the grand council at *Onondago*, to go to *Philadelphia*, on business of importance. The *Senecas* first arrived there, “One of the most considerable points,” (said the speaker to the governor,) “which induced the council to send deputies at this time, was, that they had heard the white people had begun to settle on their side the blue mountains. And we the deputies of the *Senecas*, staying so long at *Wyomen*, had an opportunity of inquiring into the truth of this information, and to our surprise found the story confirmed, with this addition, that even this spring, since the governor’s arrival, numbers of families were beginning to make settlements. As our boundaries are so well known, and so remarkably distinguished by a range of high mountains, we could not suppose this could be done by mistake, but either it must be done wickedly by bad people, without the knowledge of the governor, or that the new governor has brought some instructions from the king, or the proprietaries relating to this affair, whereby we are like to be much hurt. The governor will be pleased to tell us, whether he has brought any orders from the king or the proprietaries for these people to settle on our lands; and if not, we earnestly desire they may be made to remove instantly

with all their effects, to prevent the sad consequences which will otherwise ensue.”

The governor acknowledges, in answer, That the people’s settling on *Juniata* was contrary to the engagements of this government to the Indians; that he had received no orders in favour of them; that they had no countenance from the government, that no endeavours should be wanting on his part to bring the offenders to justice, and to prevent all future causes of complaint. Nothing else was done at this meeting, and the *Senecas* departed; but on their return they met the other deputies; and after considerable deliberation, and notwithstanding the opposition of *Conrad Weiser*, they all came to *Philadelphia*, accompanied by some *Mohickans*, *Tutelas*, *Delawares*, and *Nanticokes*, in number two hundred and eighty, about the 14th of August, 1749. *Canasatego* was again the speaker. They renewed the complaints about the settlements on the unpurchased lands; that by treaties all white people were to have been hindered from settling the lands not purchased of them; and if they did, the government engaged to remove them when discovered; but since it might be attended with a great deal of trouble, and having observed the people’s settlements, they were willing to give up the lands on the east side of *Susquehanna*, from the blue hills to where *Thomas Magee*, the Indian trader lived, and leave it to the government to assign the worth of them. But as to the hunting grounds of their cousins the *Nanticokes*, and other Indians, living on the waters of *Juniata*, they must use more vigorous measures, and forcibly remove them.

On consultation, and their agreement to extend the purchase, so as to carry its breadth to the Delaware, the following deed was executed on the 22d day of August, 1749.

We *Canasatego*, *Sataganachly*, *Kanalshyiacayon*, and *Canechwadeeron*, sachems or chiefs of the Indian nation called the *Onontagers*, *Cayanockea*, *Kanatsany-Agash*, *Tass*, *Caruchianachaqui*, sachems or chiefs of the Indian nation called the *Sinickers*, *Peter Ontachsax*, and *Christian Diaryhogan*, sachems or chiefs of the Indian nation called the *Mohocks*; *Saristagnoah*, *Watshatuhon* and *Anuchnaxqua*, sachems or chiefs of the Indian nation called the *Oneyders*, *Tatis Tawis*, *Kachnoaraaseba*, and *Takachquontas*, sachems or chiefs of the Indian nation called the *Cayiuikers*, *Tyierox*, *Balichwanonachshy*, sachems or chiefs of the Indian nation called the *Tuscorrow*, *Iachnechdorus*, *Sagoguchiathon*, and *Cachnaora-katak-ke*, sachems or chiefs of the Indian nation called the *Shomoken* Indians, *Nutimus* and *Qualpaghach*, sachems or chiefs of the Indian nation called the *Delawares*; and *Bachsinosa*, sachem or chief of the Indian nation called the *Shawanes*, in consideration of £500, grant, sell, &c. all that tract or parcel of land lying and being within the following limits and bounds, and thus described. Beginning at the hills or mountains called in the language of the Five Nation Indians *Tyanuntasachta*, or endless hills, and by the Delaware Indians *Kekactany hills*, on the east side of the river *Susquehanna*, being in the north west line or boundary of the tract of land formerly purchased by the said proprietaries from the said Indian nations, by their deed of the 11th of October, 1736; and from thence running up the said river by the several courses thereof, to the first or nearest mountain to the north side or mouth of the creek called in the language of the said Five Nation Indians, *Cantaguy*, and in the language of the Delaware Indians *Maghionioy*, and from thence extending by a direct or straight line to be run from the said mountain on the north side of the said creek to the main branch of Delaware river, at the north side of the mouth of the creek called *Lechawachsein*, and from thence to return across *Lechawachsein* creek aforesaid, down to the river Delaware by the several courses thereof to the *Kekactany hills* aforesaid, and from thence by the range of said hills to the place of beginning, as more fully appears by a map annexed; and also



all the parts of the rivers Susquehanna and Delaware from shore to shore which are opposite to said lands, and all the islands in said rivers, &c.

This deed is recorded, May 6th, 1752, in book H, vol. 2, p. 204.

This purchase is distinctly marked by natural boundaries, so as not to be mistaken. And at this treaty the engagement was renewed, that the white people should be removed from the Juniata. Proclamations were accordingly issued, but disregarded by the settlers on the unpurchased lands. In May 1750, Richard Peters, then secretary of the Land Office, with some magistrates, was sent to remove them. Of this circumstance further notice will be hereafter taken, in the course of the note. See votes of assembly, vol. 4th, p. 137. But these proceedings appear to have had little effect. Numbers were spirited up to stay, and others went and settled by them, so that in a few years the settlements in the Indian country were more numerous and farther than ever. See governor Hamilton's message, *ibid.*—and also p. 599, 517, 528.

It is necessary merely to mention the treaty of Carlisle in 1753. Canassatego, and several of the sachems attached to the British interests, were dead; and the sachems at the head of the council of the Six Nations was known to be in the French interest, and the affections of that people appeared to be much shaken. Those who adhered to us were threatened by the arms of the French, and Indian affairs wore a most gloomy aspect. See votes of assembly, vol. 4, p. 152. At this critical time the Indian friends were unwilling to do any thing which would give room to suspect their fidelity. They remonstrated it is true; but they remonstrated without threats. They desired that our people would forbear settling on the Indian lands over the Allegheny hills; for so far they now encroached, although none of the land on the west side of the Susquehanna beyond the north, or Kittatiny mountain had been purchased. They advised the government to call back their people; that none should settle on the Juniata lands, till matters were settled between them and the French, "lest damage should be done, and we should think ill of them." The council books, and votes of assembly shew the great anxiety of the government to strengthen the fidelity of the Six Nations, and of the Delaware and Ohio Indians; communications by means of agents were frequent, and the presents considerable; until the unfortunate purchase of 1754, contributed to kindle a flame which could be extinguished only by a deluge of blood. See votes of assembly, vol. 4, pages 336, 392—4—9.

The treaty of Albany, in 1754, with the Six Nations, was held by orders of the king. The lords of trade and plantations had recommended this, that all the provinces, if practicable, might be comprised in one general treaty, to be made in his majesty's name, as the practice of each province making a separate treaty for itself in its own name, was considered to be improper, and attended with great inconveniences to his majesty's service; votes of assembly, vol. 4, pages 279, 280, 286. See the whole proceedings in the minutes of council, Book M, page 339, to 386.

The Indian deed executed at Albany, is dated July 6th, 1754, and is as follows:—

Henry Peters, Abraham Peters, Blandt, Johannes Satfyhowano, Johannes Kanadakayon, Abraham Sagtaghedohy, sachems or chiefs of the Mohawk nation. Aneegnauxqua Taraghorus, Tohaghaaghquyserry, alias Kachneghdackons sachems of chiefs of the Oneydo nation. Otsinughyada, alias Bunt, in behalf of himself, and all the sachems and chiefs of the Onondago nation. Scanuraty, Tannaghdorus, Tokaaiyon, Kaghradodon, sachems or chiefs of the Cayuga nation. Kah chdodon, alias Groote Younge, Takeghsatu; Tiyonenkokaraw, sachems of chiefs of the Seneca nation. Suntrughwakon, Sagochsidodagon, Tohashuwanarus Orontakayon, alias John Nixon, Tistoaghton, sachems or chiefs of the

Tuscarora nation, in consideration of £400 lawful money of N.York, grant, &c. to Thomas and Richard Penn, "all the lands lying within the said province of Pennsylvania, bounded and limited as follows, namely, beginning at the Kitchochtinny or blue hills, on the west branch of Susquehanna river, and thence by the said, a mile above the mouth of a certain creek called Kayarondinhagh; thence northwest and by west as far as the said province of Pennsylvania extends to its western lines or boundaries; thence along the said western line to the south line or boundary of said province; thence by the said south line or boundary to the south side of the said Kitchochtinny hills; thence by the south side of said hills, to the place of beginning: recorded in Book H, vol. 5, page 392, February 3d, 1755.

The history of this eventful period is still within the memory of many yet living. Many of the Indian tribes seeing their lands gone, joined the French, and in the following year fatally evinced their resentment at Braddock's field. The settlers were driven into the interior, their improvements were laid waste, and desolation marked the path of the warriors.

Governor Morris, in his address to the assembly, November 3d, 1755, expressly tells them, "that it seemed clear from the different accounts he had received, that the French had gained to their interest the Delaware and Shawanese Indians, under the ensnaring pretence of restoring them to their country; votes of assembly, vol. 4, page 492. The assembly themselves, in a reply to governor Denny, in June 1757, say, "it is rendered beyond contradiction plain, that the cause of the present Indian incursions in this province, and the dreadful calamities, many of the inhabitants have suffered, have arisen, in great measure, from the exorbitant and unreasonable purchase made, or supposed to be made of the Indians, and the manner of making them—So exorbitant, that the natives complain that they have not a country left to subsist in;" *ib.* 718, 722, 728, 737, 738. The fact was indeed notorious in both hemispheres, although some palliation was attempted in the report made of the conferences at Carlisle in 1753. After the treaty of 1758, it was however fully admitted by John Penn himself, who was then governor, upon communicating a letter from general Gage, on the subject of the continued discontent of some of the western Indians; "I would willingly, he said to the assembly, take every measure in my power, not to remove the just causes of their complaints of past injuries, but to protect their persons and properties for the future." And general Gage's letter thus communicated, has this remarkable paragraph. "The encroachments made upon the Indian lands, for which they could obtain no justice, with the daily threats of more invasions of their property, lost us the affections of the savages before, and was the principal reason for them throwing themselves into the arms of the French for protection. From hence arose the hostilities they committed upon us in 1754 and 1755, and the war that followed. The same causes will have the same effects." Votes of assembly, vol. 6, pages 7—8.

It further appears from Conrad Weiser's Journal of his conference with the Indians at Aughwich, that the dissatisfaction with the purchase of 1754, was general. They said they did not understand the points of the compass, and if the line was so run as to include the west branch of Susquehanna, they would never agree to it. Whatever pretences there were for it, (for it was suggested that the Connecticut commissioners were endeavouring to treat for some lands claimed by them, and had been making surveys above Shamokin, and that this deed was intended to prevent the interference,) it is evident it left but a small part of the province to the natives, and that mountainous, and in a part too, most open to the Connecticut claimants. The lands where the Shawanese and Ohio Indians lived, and the hunting grounds of the Delawares, the Nanticokes, and the Tuteloes, were all included.



It will be evident also, that the course of the deed from Kayarondinghagh, or Penns-creek, was greatly mistaken, and that the line northwest and by west, would not strike the western boundary of the province; but would most probably have crossed the west branch of Susquehanna, a few miles below the mouth of Sinnemahoning, and have intersected the northern boundary a little to the west of Conewango creek.

The serious consequences likely to ensue to the British interests, occasioned an application to the proprietors in England, from the government, through the Lords commissioners of trade, and the proprietors agreed to limit the bounds of the purchase; and a commission was sent over, authorizing and directing a treaty to be held for that purpose, which commission is in the office of the secretary of the Land Office.

Previous to this treaty, great exertions were made to bring about an accommodation with the Delaware and Shawanese Indians, which was at length accomplished. These transactions will be found in the council books, and in the votes of assembly, vol. 4, p. 563, 583, 671, 672, 681.

We come therefore to the deed of October 23d, 1758, executed at Easton, which is as follows.

We Nichai Karaghiaghdate, one of the chiefs and sachems of the Mohock nation; Assarodunqua, one of the sachems and chiefs of the Onondago nation; Sagebsadon, or Tagesbata, one of the sachems or chiefs of the Seneca nation; Thomas King, alias Sagubsonyont, sachem and chief of the Oneyda nation; Tokaboyon, sachem and chief of the Cayuga nation; Wisbaquontagush, sachem and chief of the Tuscarora nation; on behalf of ourselves and all the nations aforesaid, send greeting.—Whereas by a deed poll, bearing date at Albany, the 6th day of July, 1754, the sachems and chiefs of the said Six Nations, for, &c. (£400,) did grant and confirm to Thomas and Richard Penn, all the lands lying within the said province, &c. beginning at the Kittochinnny or blue hills on the west bank of Susquehanna river, and thence by the said river to a mile above the mouth of a certain creek called Kaarondinbab, (since John Penn's creek,) thence northwest and by west as far as the said province of Pennsylvania extended, to its western line or boundary, thence along the said western line to the south line or boundary of the said province, then by the said south line or boundary to the south side of the said Kittochinnny hill, thence by the south side of the said hill along the said hill to the place of beginning, &c. And whereas by an endorsement in writing on the back of the said deed, it was stipulated and agreed on part of the said land proprietors, by their agent, that whenever the lands in the said deed, over the Apalachian or Allegheny hill, should be settled, the Indians who signed the deed were to receive a further sum, not exceeding the consideration money in the said deed mentioned, &c. And whereas since the execution of said deed, it having been represented to the said proprietors, that notwithstanding the said purchase was fairly made, yet there were some among the Indians who were disgusted with the said purchase, and were desirous that all that part of the said purchase for which they were to receive a further consideration by the terms of the indorsement of the said deed should be reserved for them, they the said proprietors, Thomas Penn and Richard Penn, did authorize, appoint and empower Richard Peters and Conrad Weiser, Esqrs. their agents and attorneys, to release and surrender to the said Six Nations all the lands comprised within the herein before recited deed, lying to the northward and westward of the Allegheny hill, provided they the said Six Nations or their deputies at the same time, did fully and effectually agree, stipulate and settle the exact and certain bounds of the residue of the said lands, included in the before mentioned purchase, which were still to remain to the said proprietors, after such surrender made, as by a letter of attorney duly executed by the said proprietors, dated 7th of November last past, may more fully ap-

pear. And whereas at a treaty held at Easton, on the 23d October, instant, the certain and exact bounds of such parts of the lands included in the before mentioned deed or purchase, which are and shall remain to the said proprietors, have been amicably and freely stipulated and settled between the aforesaid sachems and chiefs, and Richard Peters and Conrad Weiser, Esqrs. &c. and are hereby declared to be as follows, that is to say, beginning at the Kittachinnny or blue hills on the west bank of Susquehanna river, and running thence up the said river, binding therewith to a mile above the mouth of a creek called Kaarondinbab, (or John Penn's creek,) thence northwest and by west to a creek called Buffalo's creek, thence west of the east side of Allegheny or Apalachian hills, thence along the east side of said hills, binding therewith, to the south line or boundary of the said province, thence by the said south line or boundary to the south side of the Kittatinny hill, thence by the south side of the said hill to the place of beginning, in consideration of the said surrender, and five shillings, &c. And there is a covenant not to convey the residue to any persons else than the proprietors.

Recorded in book 1, vol. 4, p. 488, September 5th, 1768.

There is a rude map annexed to this deed, intended to represent the waters on the line from Buffalo creek to Allegheny mountain, which line is represented as passing very near the junction of Spring creek with the Bald Eagle. It is probable the true line, relying on the correctness of Howell's map, would pass Belfont at the mouth of Logan's branch of Spring creek. So cautious, however, were the proprietors, at this period, of offending the Indians, by making surveys beyond the line, that the most positive instructions were given to the deputy surveyors on this head; and as the line was not run, nor its exact position known, the end of Nittany appears to have been assumed as a station, and a west line from thence presumed to be the purchase line. The error was on the safest side, although it is now known the end of Nittany is several miles within the deed of confirmation and surrender. In many instances, applications, where it was probable they called for lands near the line, were retained in the office, and endorsed "quare, if in the purchase." As controversies have existed and may still exist, respecting this boundary, more cannot with propriety be said upon this point.

The last purchase of the proprietaries from the Indians, was made at Fort Stanwix, November 5th, 1768, and was as follows:

We, Tyanhasare, alias Abraham, sachem or chief of the Indian nation called the Mohocks, Senughsis—of the Oneydas; Chenughiaata—of the Onondagos; Gaus-tarax—of the Senecas, Sequarisera—of the Tuscaroras; Tagaiaa—of the Cayugas, in general council of the Six Nations at Fort Stanwix, assembled for the purpose of settling a general boundary line between the said Six Nations, and their confederates and dependent tribes, and his majesty's middle colonies, send greeting, &c. In consideration of ten thousand dollars, they grant to Thomas Penn and Richard Penn, all that part of the province of Pennsylvania, not heretofore purchased of the Indians, within the said general boundary line, and beginning in the said boundary line, on the east side of the east branch of the river Susquehanna, at a place called Owegy, and running with the said boundary line, down the said branch on the east side thereof till it comes opposite the mouth of a creek called by the Indians Awandac, (Tawandee,) and across the river and up the said creek on the south side thereof, and along the range of hills called Burnett's hills by the English, and by the Indians \_\_\_\_\_, on the north side of them, to the heads of a creek which runs into the west branch of the Susquehanna, which creek is by the Indians called Tiadaghton, and down the said creek on the south side thereof, to the said west branch of Susquehanna, then crossing the said river, and running up the same on the south side thereof, the several courses thereof to



the fork of the same river which lies nearest to a place on the river Ohio, called the Kittanning, and from the said fork by a straight line to Kittanning aforesaid, and then down the said river Ohio by the several courses thereof to where the western bounds of the said province of Pennsylvania crosses the same river, and then with the said western bounds to the south boundary thereof, and with the south boundary aforesaid to the east side of the Alleghany hills, and with the said hills on the east side of them to the west line of a tract of land purchased by the said proprietors from the Six Nation Indians, and confirmed October 23d, 1758, and then with the northern bounds of that tract to the river Susquehanna, and crossing the river Susquehanna to the northern boundary line of another tract of land purchased of the Indians by deed, (August 22d, 1749,) and then with that northern boundary line to the river Delaware at the north side of the mouth of a creek called Lechawachsein, then up the said river Delaware on the west side thereof to the intersection of it, by an east line to be drawn from Owego aforesaid to the said river Delaware, and then with that eastline to the beginning at Owego aforesaid.

There is also in this deed a release of the Indian tract in Conestogoe manor, in Lancaster county.

Recorded at Philadelphia in the Roll's Office in book of deeds, No. 3, p. 23, July 12, 1781; and at Lancaster, in the recorder's office, in book U. p. 68, July 23d, 1781.

This deed incloses a part of Scull's map, with the boundaries marked thereon.

The line from the canoe place, near the head of the west branch of Susquehanna to the Kittanning was run, and is marked on the maps; but what was the boundary on the northern side of the west branch was uncertain. To prevent controversy with the Indians, no lands were permitted to be surveyed to the west of Lycoming creek, which was considered the probable boundary on that side, although many applications were deposited for lands between Lycoming and Pine creek.

At the treaty at Fort Stanwix in October, 1784, the Pennsylvania commissioners were instructed to inquire what creek was meant by Tiadaghton, and also the Indian name of Burnett's hills, which was left blank in the deed of 1768. The Indians told them Tiadaghton is the same we call Pine creek, being the largest emptying into the west branch of Susquehanna. As to Burnett's hills, they call them the Long Mountains, and knew them by no other name.

At this treaty, a purchase was made of the residue of the Indian lands within the limits of Pennsylvania, and the deed signed by the chiefs of the Six Nations, is dated October 23d, 1784. The boundaries are thus described: "Beginning on the south side of the river Ohio, where the western boundary of the State of Pennsylvania crosses the said river, near Shingo's old town, at the mouth of Beaver creek, and thence by a due north line to the end of the forty-second and beginning of the forty-third degrees of north latitude, thence by a due east line separating the forty-second and forty-third degrees of north latitude, to the east side of the east branch of the river Susquehanna, thence by the bounds of the late purchase made at Fort Stanwix, the fifth day of November, Anno Domini, one thousand seven hundred and sixty-eight, as follows: "Down the said east branch of Susquehanna, on the east side thereof, till it comes opposite to the mouth of a creek called by the Indians, Awandac, and across the river, and up the said creek on the south side thereof, all along the range of hills called Burnett's hills, by the English, and by the Indians

, on the north side of them, to the head of a creek which runs into the west branch of Susquehanna, which creek is by the Indians called Tyadaghton, but by the Pennsylvanians Pine Creek, and down the said creek on the south side thereof to the said west branch of Susquehanna, then crossing the said river, and running up the same on the south side

thereof, the several courses thereof, to the fork of the same river, which lies nearest to a place on the river Ohio, called Kittanning, and from the fork by a straight line to Kittanning aforesaid, and then down the said river Ohio, by the several courses thereof to where the western bounds of the said State of Pennsylvania crosses the same river," at the place of beginning.

At a treaty held at Fort M'Intosh, with the Wyandott and Delaware Indians, by the same commissioners, January, 1785, a deed was executed by those nations, for the same lands, in the same words, with the same boundaries, which deed is dated January 21st, 1785. Both these deeds, with the treaties or conferences, are printed at large in the journals of the assembly, in the appendix to the journal of the session of February--April, 1785.

Thus, in a period of about one hundred and two years has the whole right of soil of the Indians, within the charter bounds of Pennsylvania, been extinguished. The legislature being apprehensive that the directions given to the commissioners to ascertain the precise boundaries of the purchase of 1768, might produce some inconveniences, declared by the third section of the act of December 21st, 1784, (post. chap. 1111,) "That the said directions did not give, nor ought to be construed to give to the said commissioners, any authority to ascertain definitively, the boundary lines aforesaid, and that the lines of the purchase so made, as aforesaid, in the year one thousand seven hundred and sixty-eight, striking the line of the west branch of Susquehanna, at the mouth of Lycoming or Lycoming creek, shall be the boundaries of the same purchase, to all legal intents and purposes, until the general assembly shall otherwise regulate and declare the same."

It is necessary to state, that on the 3d of October, 1788, an act was passed, entitled, an act to authorize the supreme executive council to draw on the state treasurer for a sum of money, for defraying the expense of purchasing of the Indians, lands on lake Erie, (chap. 1355.) By which act a sum of £1200 was granted to purchase the Indian rights, in the lake Erie tract, bargained to be sold by the United States to Pennsylvania, and a further grant was added for the same purpose by an act of the 28th of September, 1789, (chap. 1439.)

The Indian cession of the Presque Isle lands, is dated January 9th, 1789, and is in these words:—"The signing chiefs do acknowledge the right of soil, and jurisdiction to, and over that tract of country bounded on the south by the north line of the State of Pennsylvania, on the east by the west boundary of the State of New York, agreeable to the cession of that State and Massachusetts to the United States, and on the north by the margin of lake Erie, including Presque Isle; and all the bays and harbors along the margin of said lake Erie, from the west boundary of Pennsylvania, to where the west boundary of the State of New York may cross or intersect the south margin of the said lake Erie, to be vested in the said State of Pennsylvania, agreeable to an act of congress dated the 6th of June last (1788.)

The said chiefs agree, that the said State of Pennsylvania shall and may, at any time they may think proper, survey, dispose of and settle all that part of the aforesaid country, lying and being west of a line running along the middle of the Conowago river, from its confluence with the Alleghany river into the Chadochque lake, thence along the middle of the said lake to the north end of the same, thence a meridian line from the north end of the said lake to the margin or shore of lake Erie.

By an act of the 13th of April, 1791, (chap. 1556) the governor was authorized to complete the purchase from the United States, which, according to a communication from him to the legislature, was done in March, 1792; and the consideration money, amounting to 151,640 dollars and twenty-five cents, paid in continental certificates, of various descriptions.



The deed of confirmation from the United States is dated March 3d, 1792, which is recorded in the Roll's Office, in deed book, No 31, p. 107, April 25th, 1792.

A draught is annexed of the triangle, as containing two hundred and two thousand one hundred and eighty-seven acres.

These papers remain in the office of the secretary of the commonwealth.

(To be continued.)

From Pou'son's American Daily Advertiser.

## ANNIVERSARY OF THE LANDING OF WILLIAM PENN.

The society instituted for the purpose of commemorating the landing of the Founder on the shores of Pennsylvania, and of paying the annual tribute of respect and gratitude to his name and virtues, assembled on Thursday, the 24th of October, the 151st anniversary of that event.

At 4 o'clock, the members sat down to an excellent dinner, provided by Mr. Saint, at his new and beautiful establishment in Sixth street.

In the absence of Joseph Parker Norris, Esquire, the chair was taken by Peter Stephen Duponceau, LL. D. assisted by George Vaux, Esq., as Vice President, and the Committee, Richard Peters, Thomas I. Wharton, and Thomas Dunlap, Esqrs.

After dinner the following toasts were drunk:

1. The day, and all who honor it.

The President, P. S. Duponceau, Esq., introduced the second toast with the following address.

Gentlemen,

It was nine years ago that eighteen of us first met together to celebrate the glorious epoch that we are now commemorating. Eighteen only were assembled; though a large, very large number might have been obtained; but you will remember that we had determined that the first celebration should take place in a small dwelling, which, we had learned by tradition, was once the abode of our great founder and his family, and of course was sacred to us by the recollections which it brought to our minds. Of that house, which, following the course of all human things, will in time perish, and, like that which was the mansion of the great Franklin, destroyed soon after the death of its illustrious possessor, will not leave a wreck behind; an accurate drawing has been fortunately preserved by our associate, Mr. Watson, one of the eighteen who participated in the enjoyment and the happiness of that day.

I shall never forget that delightful day, that day of pure, unmixed happiness, when we the eighteen, sat together at the social table, crowded for the want of space, which brought our persons almost as near to each other as our hearts then were, enjoying the recollections that crowded upon us, until we at last thought ourselves brought back to the times which we were commemorating. We forgot the great and numerous changes that had taken place since; we fancied ourselves in the Philadelphia of 1633, we saw the grove of tall pine trees, we saw the caves which were the dwellings of the first inhabitants; William Penn, Hannah Penn, his daughter Lætitia, were all present to our imaginations, and the pleasure we enjoyed can only be known by those who assisted at that first celebration, who now seldom meet without bringing it to each other's remembrance: it was, to use the language of Penn. himself, in one of his familiar letters, truly a *savoury* meeting; a meeting of love, of peace, of happiness, worthy of the times which we were commemorating. If the souls of the blest can see from their celestial abode what passes on this little earth, the spirit of our great founder must have looked down upon us with joy and triumph.

These first emotions have subsided to give place to a more tranquil feeling, as in all scenes of human happi-

ness the first transports cannot continue with the same intensity, but they are not less pleasing, though mellowed by time, and not an anniversary yet has passed that we have not met each other with the delight that the occasion is calculated to inspire; we never have yet assembled but that our virtuous and patriotic sentiments have been improved, and we may say that the spirit of William Penn has been in the midst of us, as I hope it will ever continue to be.

The spirit of William Penn is a spirit of peace and good will to all mankind. It soars above the miserable disputes and differences produced by paltry interests, and too often disguised under high sounding names. It was in this spirit that our venerable founder, when he saw his beloved province agitated by party feuds, and the passions of the citizens violently inflamed against each other, wrote the memorable expostulatory letter, which stilled the waves of contention, and made Pennsylvanians unite again like brethren. "Friends," said he, "the eyes of many are upon you, the people of many nations of Europe look on your country as a land of ease and quiet, wishing to themselves in vain the same blessings they conceive you may enjoy. God give you his wisdom and fear to direct you, that your country may be blessed with peace, love, and industry, and so continue to the end of time."

If Penn had lived in our day, he could not have held a different language; not only *many*, but all the nations of Europe, "look upon our country as a land of ease and quiet, wishing to themselves the blessings they conceive we may enjoy;" it is not for me to carry the comparison further, but what American patriot will not approve, who will not bless those who, like us, whether in or out of public affairs, are met in the true spirit of William Penn, in that spirit of peace, amity, and concord, which assimilates men to angels, and prepares them for the regions of glory.

But, gentlemen, the passions inherent to our nature, are difficult to be conquered. There is a period of life when they reign almost uncontrolled, and happy are the few who escape their baneful effects. To assuage these, by recalling to our minds the noble example of William Penn, and extending as much as is in our power the influence of his principles, is the object of this Society, as much as expressing our veneration for his character, and our gratitude for the benefits we have received from him.

Our own history shows us that those principles of love and benevolence are natural to man, and are sure to return when they have ceased to be clouded by the storm of human passions. At an early period of that history, James Logan, and David Lloyd, both excellent patriots, were divided from each other by political opinions; they both wished to promote the welfare of their country, but differed as to the means. The parties formed in their names almost shook the commonwealth to its centre; but behold them at a more advanced age, when the turmoil of passions had ceased, acting harmoniously together for the public good, and closing their days, to use the language of a lady,\* to whose eloquent writings I am indebted for the fact, "in serenity and peace."

At a later period, we have seen Jefferson and the elder Adams, two of the greatest men that this or any country has produced, opposed to one another, during a great part of their lives. But the time came when the clouds of passion were dispelled, and our country saw them with pleasure extending the hand of friendship to each other, reviewing together the times that they had passed, and in which they had acted such conspicuous parts. At last it was their good fortune to die together on the same day, on the glorious day that gave independence to their beloved country. On that day, in the words of the Poet Thomson:

\* Mrs. Deborah Logan.



Together down they sank in social sleep,  
Together freed; their noble spirits fled,  
To scenes where love and bliss immortal reign.

Do not believe, however, gentlemen, that I would wish to see extinguished those patriotic feelings which induce us fearlessly to advance, and steadfastly to maintain, even at the peril of our lives, those opinions and principles which we seriously think essential to the happiness and welfare of our country; that I mean to check that holy indignation with which I trust every one of us would be fired, if despotism (which God forbid) were ever to rear its horrid head among us; or if wicked men (for wicked men there are) should attempt to destroy our holy union or our dear bought liberties! No, gentlemen, I know too well that our passions, abused as they often are, were given to us by the Almighty Creator for wise purposes, and that if they sometimes are used to destroy, they also are used to preserve. They were nobly employed when they roused the American people to Freedom and Independence.

William Penn himself was not free from human passions. Witness his spirited defence on his celebrated trial, and the vigor with which he combatted the intolerant spirit of his day. But those passions were only employed to noble uses, and for the benefit of mankind. He knew how to check their excesses, and the means that he used for that purpose, was to let the spirit of universal love and benevolence predominate in his mind, and counteract the feelings which ungoverned passions might have excited, in his breast.

This is the true spirit of William Penn, which animated our association at its beginning, and through its existence, to the present day, and I hope never will forsake us while we shall continue to glory in the name of our great founder, and to celebrate his virtues. It is not only by us that he is honored; his fame extends far beyond the confines of this hemisphere. Not only in England, his native country, but on the continent of Europe, the greatest writers have extolled him above the celebrated legislators of antiquity. He needs not our weak efforts to perpetuate his memory;—but another object demands our exertions, and it is constantly to hold up his great example to our fellow citizens throughout the Union, and particularly to his beloved children, whose flourishing state bears his name, and whose great city has received that of the virtue by which he was most distinguished, *Brotherly Love*. By that means, we hope to be able to preserve among us that spirit of union, peace, and harmony, and those feelings of charity and benevolence, on which William Penn laid the foundation of our State, as the surest guides to happiness and prosperity.

Impressed with these sentiments, permit me to propose the following toast.

2. The memory and example of our illustrious founder, WILLIAM PENN, and his favorite maxim, derived from a holy source—"Peace on earth, and good will to all men."

3. The memorable Elm Tree—the Tree of Virtue, Justice, and Truth, the only firm support of the Tree of Liberty, under whose shade we happily repose.

4. The 24th of October, 1824, O. S.—the day on which the Society was happily founded.

5. The memory of NICHOLAS COLLIN, GEORGE FOX, and ZACCHAEUS COLLINS, three of the eighteen who first met in honor of this day.

6. The Lenni Lenape, our predecessors in this Land—their tender attachment to William Penn will ever endear their memory to us.

7. New Sweden, no disparagement to the Old.

8. Coaquannock, our beloved city, the seat of solid wealth, solid knowledge, and solid virtue.

9. The memory of STEPHEN GIRARD, the benefactor of our city and state.

10. The memory of RICHARD PETERS, our late worthy President.

11. Perpetuity to our Association, and may all future meetings be as happy as this

From the Lewisburg Journal.

#### CANAL CELEBRATION.

The Lewisburg Cross Cut, consisting of a dam across the river, three locks, and about three-fourths of a mile of canal, making a complete communication between Lewisburg and the West Branch Canal, being this day, (October 26th, 1833,) finished; and upon letting the water pass from the canal into the river, a large number of citizens collected to witness the operation of an improvement in which all appeared to feel a common interest. It was proposed that a meeting be organized at the house of Col. Christian Shroyer, for the purpose of making a public expression of sentiment relative to those concerned in procuring for us this improvement.

The meeting being organized by appointing Col. CHRISTIAN SHROYER, President, and Paul Geddes, and William Cameron, Esq. Secretaries, the following sentiments were given and most cordially received by the whole company.

*Internal Improvements.*—No subject more deserves the attention of every American citizen, because in it, we see blended the interests of every class and condition of society.

*The Lewisburg Cross Cut.*—The *Liberality* that authorized, the *genius* that designed, and the *skill, perseverance, and industry* that constructed, all deserve the admiration and esteem of every one who looks forward to the rise and prosperity of our already flourishing and growing village and its surrounding neighborhood.

*John Whitehill, Esq.*—The active, able, and efficient Canal Commissioner. The sincere friend of Northern Pennsylvania—let those speak who know him best. "Well done thou good and faithful servant."

*Robert Faries*—His eulogy is spoken in the great improvement constructed under his directions as well as by the *merry whistle* of the delighted boatmen, while leisurely riding upon the production of his skill.

*William Parsons, Esq.*—The skilful and industrious mechanic; the competent and faithful officer.

*Samuel J. Packer, Esq.*—The able, intelligent, and faithful representative of his senatorial district. His zeal and untiring exertions in favor of the law authorizing the improvement that has just been finished, is still fresh in our memories, and should an opportunity offer, the borough of Lewisburg will prove that her citizens are not ungrateful.

On motion, it was

Resolved, That the proceedings of this meeting be signed by the President and Secretaries, and published.

CHRISTIAN SHROYER, President.

PAUL GEDDES, } Secretaries,  
WM. CAMERON. }

#### QUANTITY OF INDIAN CORN TO THE ACRE.

The following individuals applied to the Agricultural Society, in Washington county, Penn. in October, 1823, for premiums, with authenticated evidence of the quantity raised per acre, on not less than five acres: Joseph Evans, 136 bushels per acre—John Wolf, 127½ do. do.—Samuel Anderson, 123 bushels 12 quarts, do.—Isaac Vanvooken, 120 do. do.—Isaac Buckingham, 118 bushels, 1 quart, do. do.—James Clakey, 113 do. do.—Jesse Cooper, 108 do. do.—De Gross Jennings, 120 do. do.

In the same year the following individuals applied to the Alleghany County Agricultural Society, for premiums on their crops: James Anderson, of Ross township, 103 bushels 17 quarts, on one acre—John Snyder, of do. 103 per acre, on five acres—John Irwin, of do. 105 bushels 20 quarts, per acre, on 3½ acres—Wm. McClure, 129 bushels per acre, on five acres. (Memoirs of Pennsylvania Agricultural Society, vol. 6, page 228.)



From the Pittsburg Gazette.

## STEAM POWER IN AND NEAR PITTSBURG.

We publish to day, the list of Steam Engines in and adjacent to our city, which Mr. Church politely handed us a few days ago. — There were two others, Wainright's and Fisk's, mentioned in this statement, but as neither their power, nor their consumption of coals, nor the purposes to which their power is applied, were mentioned, we have not included them in the list. There may be, and probably are, some others, in the city and adjacent to it, not embraced in this statement; and in the county we know that there are many more. Will some of our friends have the goodness to forward to us information about any which they know of not mentioned in our paper to-day?

*List of Steam Engines in, and adjacent to, Pittsburg.*

Names of Owners.	Where Situated	Horse Power.	For what Purpose.	No. Bushels of Coal monthly.	Number of hands employed.
John Davis & Co.	At the Point	15	Flour Mill	1,200	12
Spiers & Renfrew	Penn and Water street	8	Engine Shop	200	12
Evans & M'Faden	Water street	20	Flour Mill	2,500	25
Bemis & Co.	do	16	Engine & Machine Shop	900	55
A. M'Fadden	do	12	Carpet Factory	400	15
Smith & Minis	do	12	Steam Engine Factory	400	36
Bakewell & Anderson	do	12	Glass Cutting	450	14
J. & E Greer	First street	8	Blowing—A Cupola	400	14
Stackhouse & Thomson	do	16	Steam Engine Factory	700	40
John Arthurs	Second and Short street	16	do do	700	40
John Caldwell	do Redoubt alley	8	Tanning	60	16
Patterson Williams	Second street	5	Turning in Wood	150	2
James M'Kee	do	2	do	225	3
John Gallagher	do	4	Turning in Metal	225	6
Peterson & Wood	do	16	Cotton Factory	800	—
J. Robinson & Son	Second and Ross streets	15	Cutting Glass	450	9
Thomas Fink	Kensington	15	Boring and Turning	300	2
Maitland & Brother	do	40	Steam Distillery	1,300	5
Leonard, Semple & Leonard	do	150	Iron Works	20,000	150
do do	do	20	Wind Works	500	15
Johnston & Stockton	do	5	Printing	150	8
John Sheriff	Third street	7	Brass Foundry, &c.	250	10
Mahlon Rogers	do	8	Engine Building	300	28
Thomas Freeman	Watson's road & High street	15	Fire Brick Manufactory	500	12
Curling, Higby & Co.	Grant, between 3d & 4th sts.	7	Glass Cutting	400	10
William Price	Riceville	6	Cupola	300	4
Andrew Watson	Four Mile Run	8	Gun Powder Factory	400	8
P. A. Madeira & Co.	Riceville	25	White Lead do	650	3
J. Smith & Co.	High street	6	Wood & Metal Turnings	250	5
Brackenridge & Porter	Sixth street	20	W. Lead Factory	450	5
J. Arthurs & Brothers	Cherry alley	12	Fulling and Carding	550	11
James Nelson	Seventh street	8	Grinding Sickles	300	10
Miltenberger & Brown	Wayne do	85	Rolling Mill	3,900	35
Avery & Ogden	Penn street	—	White Lead Factory	—	7
John Herron & Co.	do	20	Saw and Flour Mill	1,300	5
do	do	20	Saw Mill	1,300	4
City	Allegheny river	84	Water Works	2,040	2
do	do	100	do	2,040	2
S. Smith & Co.	Penn street	80	R. Mill and Nail Factory	3,500	33
George Shiras, Jr.	Allegheny river	4	Brewery	520	15
do	do	4	do	520	12
Isaac Wickersham	do	40	Saw Mill	1,000	10
Z. Packard	Penn street	24	Planing Machine	400	3
William Hays & Son	Liberty street	5	Tannery	60	10
Brown & Verner	do	5	Brewery	600	18
Kingsland, Lightner & Cuddy	Smithfield street	40	Foundry	1,040	70
Marshall & Hawdon	do	6	Grinding and Lathes	250	12
I. M'Clay	Diamond alley	4	Tannery	350	5
George Beale	Fourth street	—	Sewing Cotton Factory	—	—
M'Kee, Clark & Co.	Bayard's town	10	Oil Mill	500	3
Hilary Brunot,	do	15	White Lead Factory	390	3
A. B. & C. Semple & Co.	do	8	Tannery	60	7
Adams, Allen & Co.	do	100	Cotton Factory	3,120	200
Hay & Campbell	do	8	Glass Cutting, &c.	500	8
James B. Morgan	do	10	Saw Mill	500	4
G. & J. A. Shoenberger	do	160	Rolling Mill	13,000	45
do	do	120	do and Nail Factory	3,900	17
William Lippincott	do	80	do do	3,120	32



*List of Steam Engines, &c.—(Continued.)*

Names of Owners.	Where Situated.	Horse Power.	For what Purpose.	No Bushels of Coal monthly.	Number of hands employed.
M'Ginn & M'Lennen	Bayard's town	10	White Lead Factory	750	5
D. P. Ingersoll	do	10	Hat Body do	600	6
M'Clurg, Wade & Co.	do	40	Eng. Facto'y & Cannon F.	1,650	80
Geo. A. Bayard	Lawrenceville	30	Saw Mill	800	10
C. Lukens & Co.	do	20	Paper Mill	750	18
Alleghany Arsenal	do	20	For various purposes	400	7
Oran Waters	do	8	Shovel and Spade Factory	500	16
Hind & Howard	Allegheny town	35	Paper Mill	2,200	32
John Witherill	do	6	Edge Tools	312	5
Shoenberg'r, Wrenshall & Co	do	94	Cotton Factory	2,950	150
Arbuckles & Avery	do	60	Cotton & Mach. Factory	1,560	120
Blackstock, Bell & Co.	do	100	Cotton Factory	3,000	190
Sylvanus Lothrop	do	110	Juniata Rolling Mill	19,500	75
Smith, M'Gill & Darsie	do	30	Saw Mill	763	5
Brice M'Dougall	do	10	Cuting Lath Rods	250	4
Calhoun & Hugo	do	25	Flour Mill	1,000	3
Lamont & Co.	do	18	Vice Factory	1,400	10
—Warren	do	4	Wood Turning	150	2
Jacob Stroop	do	10	Edge Tool Factory	400	40
J. & J. Hamnett	do	8	Tannery	60	7
William C. Miller	do	25	Flour Mill	1,000	3
H. S. Sprang & Son	Pine creek	160	R. Mill and Nail Factory	10,000	65
Geo. Anshutz, Jr.	Pittsburg Salt Works	6	Making Salt	7,200	4
Wetmore & Havens	do Steel do	30	Steel Manufactory	550	15
Lyon, Shorb & Co.	Sligo Iron Works	100	R. Mill and Nail Factory	8,000	60
John Murray	Monongahela Salt Works	6	Manufacturing Salt	7,800	5
J. & J. Patterson	Birmingham	6	Saw Cutting and Turning	500	20
Bausman & Gelson	do	25	F. Mill and Distillery	900	5
Watson & Allen	do	12	Distillery	1,040	4
Geo. Faber & Son	—	—	Machine Card Factory	—	—
Walter Fortune	—	—	Saddle Tree Factory	—	—

*For the Gazette.*

MR. CRAIG—The Pennsylvania Rolling Mill, Miltenberger, Brown & Co. employs 47 hands, and consumes 300 bushels of coal per day—power of engine, 140 horse.

*For the Gazette.*

MR. CRAIG—I was much interested in reading the enumeration of steam engines in the city and county, contained in your paper of yesterday. It is calculated to give the stranger, and even the citizen, who looks over it attentively, new views of our business and manufactures. If the first cost could be affixed to each establishment, and the value of its yearly product, the table would present a mass of information truly interesting and valuable. With a steam power equal to that of two thousand five hundred and eighty horses; and two thousand one hundred hands, daily and industriously at work, what an immense amount of manufactured articles must annually be sent off, from Pittsburg, to the regions north, west, and south of us!—and when our markets shall be increased and extended by the new avenues of communication we expect shortly to see opened up to the east, the west, and the south, who can compute the trade and the wealth that will flow in upon Pittsburg?

One part of the table appears to be defective, and in some cases, incorrect; I allude to the statement of the amount of coal said to be consumed by each engine. It is not stated whether the amounts given are per day, week, month, or year, though it is evident that many of them will not agree to any of these times. For instance the Rolling Mill of Leonard, Semple, & Leonard is said to consume 20,000 of coal—on Barbeau's map of the city is said to consume 666 bushels daily, which multiplied by 280 working days, will amount to 186,480 bushels

in the year; which is about 30,000 bushels more than is said to be consumed by the whole 89 engines mentioned in the list.

As coal is so very interesting an article to every Pittsburger; giving life, and being, and prosperity to our manufactures, and to our city itself, and defending us, as our medical gentlemen contend, against cholera and many other calamities, the undersigned, and probably many more of your readers would be much obliged to your obliging correspondent to furnish a statement, as nearly correct as possible, of the amount of coal consumed at each of the establishments, mentioned in the list, *per annum*. CARCON.

Our correspondent will find the omission corrected, by a note under the editorial head—in each case the estimate is of the *monthly* consumption.

## PENNSYLVANIA CANAL.

We publish, below, two articles, in relation to the business done on this great improvement, both of which are interesting, and may be depended upon as precisely correct. The difference between the amount of tonnage going east and that coming west, is very great; and, as is properly remarked, plainly proves that our western trade needs some encouragement, by the reduction of tolls on produce. It is for the interest of all parties—of the state, of the owner of the produce, and of the freighter—that the tolls on domestic productions should be reduced. If boats were compelled to go eastward empty, the freighter must earn enough on the westward trip to pay the expenses of two trips, and a little more, or he will not pursue the business long.—On the other hand, if he makes a little on his eastward trip, he can reduce his charge for transportation westward, and thus draw more business to the line.



Two facts are mentioned in the second article, which are encouraging and interesting. The first is, that if passengers had, this year, paid toll at Pittsburg, as they did last year, the amount of tolls for October, 1833, would have equalled the amount taken at the same office for the whole of the year 1832.

The next circumstance which is worthy of notice, is that, during the last twelve months, the canal was closed only one month. While this proves, most conclusively, the advantage which our canal possesses over the New York canal, it also furnishes a satisfactory reply to the pretended superiority of rail roads over canals in the winter. This superiority, if it exist at all, is certainly, in our latitude, of very short duration.—*Pittsburg Gazette.*

COLLECTOR'S OFFICE, PITTSBURG, }  
November 6, 1833. }

Our Canal continues in active operation—our Monthly Report for October is as follows—

Tonnage received from the east, 4,475,872 lbs.  
Do. forwarded east, 939,578 do.  
—plainly proving that our western trade wants encouragement.

The amount of tolls received at the different offices for the same month:

We have received at Pittsburg,		<i>Tonnage East.</i>	\$802 72½
		<i>Tonnage West.</i>	
There have been paid at Leechburg,		\$296 75½	
Do. do. at Blairsville,		1,611 46½	
Do. do. at Johnstown,		600 28½	
Total,		\$3,311 22½	

The number of boats, cleared from this office, for October, was 118.

Amount of tonnage and tolls taken on the Pennsylvania canal, at Pittsburg, for articles going east, from 1st November, 1832, till 1st November, 1833:

Months.	Tonnage.	Passengers.	Dolls.	Cts.
1832—Nov.	476,320 lbs.	6,152 miles.	330	72½
Dec.	401,020	18,246	228	05½
1833—Jan.	215,593	645	60	10½
Feb.	Closed.			
March,	338,966	605	203	94½
April,	1,187,670	998	548	30
May,	712,578	8,326	581	10
June,	1,512,809	136	576	95½
July,	943,000	1,102	498	28½
Aug.	820,440	1,593	486	87½
Sept.	814,669	1,257	597	02½
Oct.	939,578	1,228	802	74½
8,406,643		40,288	\$4,914	10

Tonnage, from the east to Pittsburg, in October, 1833, 4,475,862 pounds. There can be no better proof of the increase of the business on the Pennsylvania canal, than the fact that, in the month of October, 1833, there was \$802 72½ taken at the Pittsburg office, and during all the season of 1832 there were taken at the same office only \$884 32—and if the toll on passengers, which, this season, is paid at Blairsville, had been paid at Pittsburg, as it was last season, there would have been more tolls taken in the month of October, 1833, than all the season of 1832. It is also worthy of the attention of Pennsylvanians, that our canal was open all the year, except the month of February, and on examination, it will be found to have been the case every year since its commencement, while the New York canal is closed from three to four months every year.

UNION BENEVOLENT ASSOCIATION.  
SECOND ANNUAL REPORT,  
Of the Executive Board of the Union Benevolent Association.

Two years have now elapsed since the Union Benevolent Association was added to the philanthropic institutions of our city. The Executive Board conceive it to be due to the Association and the public, that they should be informed in what manner the experiment has justified the favorable anticipations entertained of it.

The objects of this Association may be briefly summed up in the improvement of the moral and physical condition of the poor.

A fundamental principle of our system, as originally announced, restrains pecuniary assistance, and almsgiving in general, to those cases where disease, or the urgency of distress, does not admit of other and preferable remedies. In such extreme cases, and in such alone, pecuniary aid is not a deviation from the original plan, which supposed that a sufficient fund for the ordinary relief of the poor, existed already in the provisions of the law, and the many institutions with which private charity has adorned our city.

The reports from the Ladies' Branch, however, represent these sources as inadequate. They resound with complaints of the want of funds to meet the numerous cases demanding immediate succour. The want of the necessary funds for this purpose is represented as disheartening the zeal of some of the most active members, and inducing others to abandon a situation which exposes them to the presence of misery without the ability to alleviate it.

Within the past year, two hundred and fifty dollars have been appropriated, under the distribution of the Ladies' Visiting Committees, for the use of the sick and distressed poor. The number of persons, adult and children, benefitted by the distribution of wood by the Guardians of the Poor in 1832 and 1833, within the limits of the operations of the Association, was, according to the statistical table of Mr. Hazard, 4,562. This fact is important, as showing the extent of surface over which charity must be diffused in order to be truly effectual.

The amount furnished as above mentioned, was charged on, and paid out of, the fund collected by authority of the Town Meeting. As that fund must, by repeated draughts on it, be ere long exhausted, it becomes highly important to take efficient measures to provide other sources.

One of the principal objects cherished by the Association, is the providing suitable employment for the poor. Of the great superiority of this method of relief over pecuniary donations, in promoting the health and personal comfort, as well as the moral and intellectual benefit of the poor, it is unnecessary here to enlarge. Public opinion is, perhaps, at this day at rest upon the point; and whatever objections may in theory be urged against providing work, instead of compelling every man unaided to seek it for himself, still experience shows that employment cannot, even in this country, where labor is comparatively high, be always commanded by the well disposed and industrious poor.

Several interesting cases are recorded in the ladies' reports, of the beneficial effects resulting from furnishing employment to the poor. It is a mode of relief which the Executive Board have much at heart. Their chief difficulty in the formation of any system on this subject, arises from deficiency of funds. A committee of five was appointed, in December last, to consider the best means of furnishing employment to the poor. That committee have made progress in the duties confided to them; but the subject being one of great extent and importance, and requiring much deliberation, they have as yet made no final report.

In consequence of a representation made by the Visiting Committee of District No. 12, the Executive Board, on the 24th of December last, appropriated six-



ty dollars as a loan to that District, for purchasing materials and furnishing employment. Much good has been found to result from this mode of assisting honest indigence, which stimulates industry, and incites to independence. The ladies' reports mention frequent instances of the beneficial results of this excellent species of charity. As a proof of the judicious manner in which they were applied, the loans, in most instances, are stated to have been punctually repaid.

But the most prominent feature in the scheme of the Association, is the moral influence it aims to exert on the lives and habits of the poor. It is a fact too well ascertained to admit of dispute, and too generally admitted to require illustration, that the great source of pauperism lies in the evil passions of our nature. By far the greater part of the poor in all countries consist of those whom vice has impoverished. It is computed that from three-fourths to nine-tenths of the paupers of this country are the victims of intemperance. The numerous licensed and unlicensed dram shops, and the great facilities of obtaining intoxicating liquors in our own community, render intemperance the prolific cause of pauperism. The Reports of the Ladies' Visiting Committees fearfully attest the truth of these statements. It must be obvious, therefore, to every reflecting observer, that any system of relief which is not hinged on the diffusion of virtue and good morals among the poor, however it may afford temporary alleviation, can yet effect no radical improvement in their condition. The best, the most certain of all charities, is sound, moral education. This is the cardinal object of our Association. To inculcate on every individual visited, the importance of industry, frugality, cleanliness, and temperance—to encourage the disconsolate—to inspire independence and self respect—to elevate the tone of moral feeling—to imprint on the minds of the young the early lessons of duty—in short, to exercise a parental guardianship over the poor—these are the principal duties of our Association. They are arduous, requiring indefatigable zeal, energy, and perseverance. Division and concentration of labor are all-essential to success. The organization of the institution which divides the city proper into twelve districts, the Northern Liberties into four districts, (Moyamensing forming a separate district,) and these districts into sections, under the care of a competent number of visitors of both sexes, has been found to work well.

The visitors have frequent intercourse with the poor. It is their special duty on these occasions to give them counsel on their domestic economy—to inculcate the necessity of sobriety and prudent thrift—to encourage weekly deposits for rent, and deposits for fuel—to make themselves considered as friends rather than as monitors. They are, moreover, carefully to guard against imposition, which indeed can rarely be successfully practised under a system of inspection so close and constant.

The Reports of the Ladies' Branch, upon whom principally devolves the duty of visiting, and who have discharged that duty with a fidelity which merits the highest commendation, exhibit satisfactory results.

It appears from these reports, that during the quarter terminating January 12, 1833, 795 families were under care—197 children were placed at school—23 placed at service—2 sent to the Wharton House—1 to the Orphan's Asylum—1 to the House of Refuge. \$885 10 were, during the same period, deposited for fuel.

That during the quarter ending April 16, 1833, 1742 visits were paid—85 children placed at school—15 at infant school—23 at service.

That during the last quarter, 1398 visits were paid—41 children placed at school—9 at infant school—3 at service—\$25 92 deposited for fuel.

The number of families visited, as well as of deposits, probably much exceeds the statement here given, the reports from some sections being entirely silent—in others very deficient on these points. The Executive

Board, deeming accurate statistical information on all subjects within their cognizance of great importance, beg leave to recommend to the Visiting Committees the propriety of particular details.

The Report for January last states that "a flourishing school has been opened in District No. 7, for colored females, which is taught in the afternoon of the first day of the week, by the Visitors, to whose care it is confided."

The same Report tells us of 50 scholars in the school in District No. 10, located in Schuylkill Front, above Arch street, opened in September last. The whole expense of the school is estimated at \$175 per annum, but the want of sufficient funds renders doubtful its further continuance.

The school in the 12th District was publicly examined on the 29th of December last; 94 children were present. The number of scholars at the date of the January Report, is represented as increased to 110. "The whole appearance of the children," say the Visitors, "is changed—tattered, filthy, and in a state of heathenism when first introduced into the school, they are now, for the most part, cleanly, decent in their attire, and reduced to civilization."

It is gratifying to learn from the April Report, that the roll book of the school then contained 150 names. With a zeal that cannot be too warmly commended, the teacher opened an evening school for adults and such of the children as are employed in the factories during the day. On the opening of the school, 30 attended, on the second evening 50, and such is said to have been the eagerness to learn, that previously to the commencement of the school, many of them attended at the school room during the interval of work, to receive instruction.

Thus there is every reason to anticipate that the labors of the Association, directed to that quarter from which success is with most reason to be looked for, the education of the young, will be crowned with happy results. From persons of maturer years, in whom the tyranny of vicious habits is firmly established, less is certainly to be expected. Nevertheless the instances of reform through the influence of regular visiting, recorded in the Ladies' Reports, present many incentives to renewed and vigorous exertion.

The visitors of District No. 1, speak of a man whose "habits of intemperance were so confirmed, as to take away entirely the inclination to support his family;" who had "for the last three months paid his rent; the cause of this unusual and unexpected exertion was attributed by his wife to the influence of one of the visitors."\*

Another instance is recorded in the same district, of an individual formerly addicted to intemperance: "It is with pleasure," says the report, "we are able to say his conduct continues satisfactory."†

Another man in the same district, "who formerly supported his family by begging, says that the Union Benevolent Association has ruined him."‡

Two other men, in the 8th and 11th districts, "who were victims of intemperance," are said to "have reformed so far as to attend places of worship, and behave with propriety at home."§

Other cases are related of individuals rescued from the degrading thralldom of intemperance, and of families induced to attend places of worship, through the benevolent labors of the visitors.

The visitors of the 6th section of the 8th district, in reference to the general character of the poor, say "they perceive a decided improvement of those families which they have regularly visited since the formation of our society."||

"Improvement," says another report, "is perceptible in many families."

The efforts of the visitors to prevail on the poor to

\* January Report. † April Report. ‡ Ib. § Ib. || Ib.



deposit a portion of their earnings for the procurement of fuel, have not been unavailing.

In reply to the query: what had been the increase of deposits in the Fuel Savings Society in consequence of the efforts of the Union Benevolent Association? The Treasurer of that Society states that the deposits had been advanced, from that cause, from "a thousand to fifteen hundred dollars, say about midway between the two sums."

The discouragement of street begging is intimately connected with the scheme of the Association. In the accomplishment of this desirable object, the Agency or Reference Office is a principal instrument. From the statement of our Agent, whose capacity and fitness for his station are on all hands admitted, it appears that during the last year 200 whites and 100 colored females have obtained employment through the instrumentality of the office—that places have been supplied to 50 white and 20 colored boys, and to 13 white and 10 colored children—that 85 applications have been made by white male adults, some of whom have obtained employment—and that of 40 colored male adult applicants, employment has been supplied to 30.

In addition to these duties, the Agent has been employed in visiting those sections of the city and suburbs which are not supplied with female visitors, and such places as it is not convenient for ladies to visit. By a recent regulation of the Board, the Reference Office will, for the future, be closed during the morning hours, which will be devoted by the Agent to visiting among the poor, obtaining information relative to employment, and attending to such other duties as may be required by the lady visitors. The office will remain open as heretofore during the afternoon hours. This arrangement, it is thought, will enlarge the usefulness of the Agent, and be productive of much advantage.

An Agency Office is deemed, by the Executive Board, as highly important, if not essential to the successful management of the Association. It forms a depot of knowledge touching the various objects of our labors—a central point of reference, where the visitors may obtain aid and information—and the poor advice, assistance, and employment. The Agent is the known representative of the whole body—ever at hand to apply his services where they may be required. He is, moreover, an organ of communication and of union between the two branches of the Association.

The continuance of the Agency under its present establishment is the subject of anxious consideration with the Board.

The expenses of the institution, including the Agent's salary, office rent, and other incidental expenses, may be estimated at one thousand dollars. By an arrangement recently made with the present Agent, William E. Sherman, his services have been obtained for six months after the expiration of the present quarter, at the reduced rate of six hundred dollars per annum.

Early in the last fall, the necessity of taking measures to increase the funds of the Association, pressed itself upon the attention of the Board. Committees were appointed to obtain life and annual subscriptions. The funds procured by this means have been already exhausted. The Report of the Treasurer, herewith submitted, exhibits a balance against the Society.

The Executive Board do not wish to disguise the fact, that without more efficient pecuniary aid than has hitherto been given to the Association, it will be impossible to maintain the Agency Department on its present footing. This is a necessity which they sincerely deprecate. They have entire confidence in their present agent—they are firmly convinced of the utility of the office. They feel that no effort ought to be spared, no means left unemployed to sustain it.

Under these circumstances, their only resource is in the liberality of an enlightened public—a resource to which charity has seldom appealed in vain.

And your Board are of opinion that when the princi-

ples and mode of relief administered by this Association are rightly understood, and the results which have already attended its infant efforts are duly examined, that appeal will not now be ineffectual. It is a subject in which every member of this community is deeply interested. Pauperism is an evil attendant on dense population. Though we may not expect to exterminate it, much may and ought to be done to alleviate its miseries. Experience testifies that a competent system of relief is one of the most difficult problems in the science of public economy. Much light has of late years been shed on this important subject. The public mind is awake to it. Three millions of dollars have, during the last twenty-five years, have been paid in the way of poor tax in the city and county of Philadelphia. The reduction of this vast expenditure can only be looked for by rendering the subsistence of the poor dependant, as far as practicable, on their own exertions, and by the general diffusion of morals and education. These are the leading principles of the Union Benevolent Association. If efficiently supported, they cannot fail to operate a silent but steady improvement on a large and important class of society. Deeply impressed with this conviction, the Executive Board confidently trust that neither a want of zeal among its members, nor of fostering encouragement from the public, will give an untimely check to the labours of your Association.

All which is respectfully submitted.

THOMAS C. JAMES, President.

Attested—P. M'CALL, R. S.  
October, 1833.

*The Union Benevolent Association in account with Frederick Fraley, Treasurer.*

DR.

1832.		
Oct. 17.	To balance due the Treasurer,	\$61 55
1833.		
Oct. 15.	To cash paid as follows:	
	For Agent's salary,	800 00
	For rent of Office,	67 50
	For Printing, Stationary,	
	Fuel, &c.	135 21
		1002 71
		1064 26

CONTRA, CR.

By cash received for sub-	
scriptions and donations,	762 86
By cash received from Am-	
brose White, Executor	
of the Estate of Thomas	
Montgomery, as a dona-	
tion,	200 00
	962 86

Balance due the Treasurer,	\$101 40
Errors excepted.	

F. FRALEY, Treasurer.

Philadelphia, October 15, 1833.

*Frederick Fraley, Treasurer of the Union Benevolent Association for Town Meeting Fund.*

1832.	
Oct. 17.	To balance in his hands,
	\$1037 67

CONTRA, CR.

Dec. 31.	By Cash paid for District	
	No. 12,	\$60 00
1833.		
Feb. 4.	By cash paid to W.E. Sher-	
	man,	50 00
Feb. 26.	By cash paid to Ladies'	
	Central Board,	100 00
May 30.	By cash paid to W.E. Sher-	
	man,	13 91



Oct. 14. By cash paid to Ladies' Central Board, 100 00  
 ————— 323 91  
 Balance in the hands of Treasurer, \$713 76  
 —————  
 Errors excepted.  
 F. FRALEY, Treasurer.  
 Philadelphia, October 15, 1833.

#### DREADFUL ACCIDENT.

A fatal accident happened yesterday (Nov. 8,) on the Camden and Amboy Rail Road. The train of Cars bound for Philadelphia, had advanced about half way between Spotswood and Hightstown, when the axle of one of the cars gave way; from what cause, does not seem sufficiently explained. It was either broken by the pressure upon it, or as some of the passengers think, the heat produced by the rapid motion, had burnt away the material in which it was secured. The car fell on one side, and was immediately knocked off the road by the momentum of the succeeding car. As the speed at this time was more than twenty miles an hour, the Engineer was unable to stop his locomotive until the fallen car, with its contents, had been dragged about forty yards.

The scene which presented itself to the passengers is said to have been shocking beyond measure. Of twenty-four persons in the carriage, twelve were seriously injured, and all were in some degree bruised or stunned. One gentleman, Mr. Stedman of North Carolina, was so crushed that he expired in a few minutes. One other gentleman had both his legs fractured. Captain Vanderbilt, formerly of the New Brunswick steamboat, was severely injured in the back. Among the wounded are several females—one of them, Mrs. Bartlett, of Washington City, had her arm fractured in three places—and a child, dangerously, expected to die before morning. Mr. Dreyfous of this city, is among those injured, but we are happy to say not dangerously.

The unfortunate gentleman who lost his life on this occasion, retained his senses to the last, and met his fate with perfect calmness and resignation. He expressed a wish to die in Philadelphia; and gave brief directions in reference to his family, and for the disposition of his property.

We trust the public will be furnished as early as possible, with an accurate explanation of the cause of this melancholy disaster. The statement above given is derived from several intelligent passengers, with whom he had an opportunity of conversing.—*Commercial Herald.*

**RAIL ROAD ACCIDENT.**—We have learned the following particulars in relation to this accident, since the publication of our Saturday's paper:—The Car that was overturned, was not the one whose axle was broken, but the one immediately in its rear. Among the passengers injured, in addition to Mr. J. C. Stedman, killed, were Miss Whitehead, of Newport, R. I. one arm broken, and otherwise much bruised; Mrs. Bartlett, wife of Lieut. Bartlett, Washington City, badly bruised, and her infant very dangerously; Mr. Wells, of Lebanon, Pa. who had both legs and both arms broken; Rev. J. West, of Newport, R. I. one leg broken, and considerably injured on one shoulder; Mr. King, also of Newport, severely hurt on the back and head; Mr. Charles, of St. Louis, Mo., thigh very much injured; Dr. —, of Phillipsburg, Pa., two ribs broken, head and arm injured—and after tying his handkerchief round his body, he directed all his attention to his fellow sufferers; Mr. Dreyfous, of this City, slight injury on the head and back.

*Com. Herald.*

#### RAIL ROAD ACCIDENT.—EXPLANATION.

Address of the Camden and Amboy Rail Road and Transportation Company.

TO THE PUBLIC.

The unfortunate accident which occurred on the road on Friday last, and the melancholy consequences resulting from it, have occupied the most serious attention of the Executive committee of the Board of Directors. Every exertion has been made to obtain a correct statement of all the facts that they might be disclosed to the public.

The security of the passengers from the commencement of the operations of this company, has been an object of the first consideration. For several weeks after a sufficient number of locomotives to carry the passengers, were completed and on the line, the horses were continued notwithstanding the importunity of the public for the change. The most unfounded reports as to the capacity of the road for the use of this species of power, were circulated and believed from this delay. During all this period however, the engines were constantly in use, when the line was free from the passenger cars, in transporting merchandize and materials on the road.

The Directors preferred the odium attached to their delay to the risque attending the substitution of the engines until the engineers had become familiar with their use. They were then placed on one line only, that they might be under the immediate superintendence of confidential agents of the Company. Positive instructions were given that the trip [35 miles] should not be made in less than two hours and a quarter; allowing two hours, or a speed of seventeen and a half miles per hour, for the actual running of the engine, and fifteen minutes for the necessary stoppages. Special instructions were also given that no one mile should be run in less than three minutes. To ensure a compliance with these orders, an agent was placed on each line, whose special and only duty is to take the time of running each and every mile, with a stop watch, for the government of the engineer, and to note down the same, and report it to the Executive Committee. From the commencement these reports have evinced so nearly a compliance with the orders as to be entirely satisfactory. From a careful inspection of the reports of the week immediately preceding the accident, it is discovered that the time actually occupied in running, shews an average rate of eighteen miles per hour, and the fastest trip was at the rate of 19 miles. Unfortunately the time keeper of this line had sustained a slight injury from a fall a day or two previous, and was not then on the line. As the engineers had become so well regulated in their time, it was deemed unnecessary to procure another agent to fill this temporary vacancy.

Had this officer been at his post, the first subject of inquiry, to wit: the rate at which the cars were running, would have been attended with no difficulty. From the excitement naturally produced by the disaster, it has been found impracticable to obtain accurate information on this subject. The committee are led to the conclusion, however, that a short time before the occurrence of the accident, the speed of the engine had considerably exceeded the rate allowed, but that at the time and immediately before, this was not the case. This opinion is induced by the following facts.

There were two trains of cars attached to separate engines. The accident happened to the last train. The first engine is the least powerful on the line. The engineer is positive that so far from being in advance of, he was behind his time. He moreover states that from inadvertence his fire had got down, and his steam was so low as to render it difficult to maintain his proper speed at that point, as the road there ascends. The committee are satisfied that the orders had not been materially violated as to the whole time of running the distance.

But it appears that owing to some trifling derange-



ment of the second engine, the engineer, about three miles before, had reduced his speed to adjust it. After doing so, he states that to recover his proper station he increased his speed, but not in his opinion exceeding his limited rate. In this he was probably mistaken. But before the accident occurred he had checked the engine by shutting off a considerable portion of the steam, and is positive that he was not then running faster than the train in advance. This declaration is strongly corroborated by the fact, that one of the agents accompanying the line was on the top of the car which upset, and jumped from it to the ground *without injury*, when he discovered that it was going over. From the place where he alighted to that where the car rested after the train was stopped, is not quite 21 yards.

The accident has also been attributed to the heating of the axle from friction for want of oil. It is understood that some of the passengers are under the impression that they saw smoke from this cause. This is clearly a mistake. The axles were examined at Spottswood, (not eight miles distant,) by the agent whose duty it is to do so, and found perfectly cool and well supplied with oil. The appearance of the fracture is entirely inconsistent with this idea, and the quantity of oil still adhering to both the journal and box is conclusive, as that would have been entirely consumed by the heat.

These matters have been adverted to particularly, because the accident has been attributed to them, and the committee have felt bound to afford every information on the subject. They are convinced, however, that it is to be traced to other causes which could neither have been foreseen nor prevented, and that the fatal consequences were produced by a combination of circumstances that have never before occurred, and in all human probability will never again occur.

Cast iron wheels have been entirely excluded from the passage cars on the road. The axles have all been procured from Boonston, the most celebrated works in the country, at the exorbitant price of \$125 per ton to ensure the quality of the iron. They are more than 50 per cent. stronger than those used for the passage cars of the Liverpool and Manchester road, and for still greater security, the ends were all welded down before they were turned.—Yet with all these precautions it appears by an examination of the broken axle, that a latent defect existed in it which caused the accident. There was a flaw in it leaving not more than three-eighths of the strength of the iron to sustain the whole weight, but as the defect was in the journal, it was effectually concealed. This was the primary cause of the calamity. But the breaking of the axle would have been harmless as none of the passengers in the car received the slightest injury. It remains only to account for the injury to the other car.

It has been supposed that the car was thrown from the track and upset by running over the wheel of the broken car. This is entirely an error. The axle broke in the journal, outside the wheel, so that both wheels remained attached to the axle, which at one end maintained its proper position, but at the other, having nothing to sustain it, dropped into the receiver, so that the spokes and the hub, which are of wood, were brought into collision with the iron on the frame, and nearly half of them splintered to pieces by the revolutions of the wheel. It has been this which was mistaken by the passengers for the *smoke of the axle*.

An agent is always stationed at the brake of the baggage car to keep a constant watch upon all the other cars, and to apply the brake, and instantly apprise the engineer if any accident occurs. For the first time since the line has been in operation, a spark had alighted on the baggage car, and ignited a bundle of cotton. The agent discovered this, and was in the act of extinguishing it, when he discovered the breaking of the axle. Before he could recover his station and apply the brake,

the car was thrown from the track, and so far over as to be beyond recovery. There is no doubt but that the impetus from the after cars caused the overthrow of this car. It is evident that it must have been projected forward by them, and thrown on the front end, from the fact that of the twenty-four passengers in at the time, those in the back apartment were uninjured.

This would have been effectually prevented by the application of the brake, but for the unfortunate mischance which drew the agent from his post at that critical juncture. No blame appears reasonably to be attached to the agent, as the train was then running on a portion of the line where there is a double track, and perfectly straight for nearly six miles, without even a turn out to guard against.

These are facts and conclusions arrived at after the most careful examination of this painful subject. Whilst the committee deeply deplore the event, and sympathise with the unfortunate sufferers and their friends, they have to console themselves with the conviction, that the company cannot justly, be chargeable with the censure of the public. It is believed that in no similar enterprise, greater care has been taken to protect the passengers from injury, and that their intentions have been frustrated by an extraordinary combination of circumstances, not to have been forsaken or prevented by human foresight.

J. H. SLOAN, Sec'y.

#### MAUCH CHUNK, November 9, 1833.

100 TON BOAT.—In walking along the wharf the other day, we were much pleased with the noble appearance of a large new Canal Boat, bearing the name of JOSTAH WHITE, of Easton, built and owned by Peter S. Michler, of that place. The boat, we understand, is intended exclusively for the Lehigh Canal, to ply between Mauch Chunk and Easton, being about 16½ feet wide and capable of carrying 100 tons. She left this place with her first load in fine style, two days ago.—*Mauch Chunk Courier*.

EXPEDITIOUS WORK.—In order to convey a just idea abroad, of the capacity of the Cast Iron Foundry at this place, and of the despatch with which the enterprising proprietor of the establishment, Mr. John Fatzinger, is enabled to make to order, castings of almost any dimensions which may be wanted, we notice with pleasure the following instance of the facility of its operations, which occurred a few days since:

We understand that in consequence of the breaking of a shaft of one of the Stationary Engines on the Carbondale Rail Road, which caused a material interruption to the coal operations at that place, the machinist, Mr. McAlpin, after an unsuccessful trial to cast a new one there, the Cupola of their Foundry being too small for so heavy a casting, came to Wilkesbarre, where he found the same difficulty to prevent the accomplishment of his objects. He then proceeded to this place where he arrived in the afternoon. A pattern was commenced about three o'clock, and the shaft, weighing upwards of half a ton, was cast by Mr. Fatzinger, and all finished early on the following day. It was then despatched for Carbondale by a team sent for that purpose by the Superintendent of the Lehigh Coal & Navigation Company.—*Mauch Chunk Courier*.

PRODUCTS OF THE SEASON.—Mr. Joseph Mifflin left at our office a few days since, a Beet which weighed 7 lbs. 3 qrs. and measured 20 inches in length, and the same in circumference.

A Beet was shown us on Thursday, by Mr. Philip Gossler, which weighed 12½ lbs. and measured 32 inches and a half in circumference.

A Radish was sent to us last week by Mr. Jeremiah Brown, which was two feet four inches in length.—*Columbian Spy*.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 21. PHILADELPHIA, NOVEMBER 23, 1833. NO. 308.

## SECOND ANNUAL REPORT OF THE BOARD OF TRUSTEES OF LAFAYETTE COLLEGE.

OCTOBER 7, 1833.

In the world of morals, power without responsibility, would be anomalous. If its Creator has formed the material universe, in all the vastness of its extent and in all the minuteness of its details, subject to certain fixed laws; and if the obedience of the whole and of each part to those laws, agreeably to the divine will, bespeaks the divine wisdom, shall it not be thus also in the orders of intellectual existence? If a single particle of matter could be supposed, for a moment, to lie without the range of Almighty power—beyond the general order which God has established for the government of matter, could it be otherwise than that this particle, by its motion or its rest, should disturb that which lay nearest to it, and thus the next, and thus the entire system should be thrown into confusion? And would not such a result give mournful evidence that perfect wisdom dwells not in the builder of the skies?

But if one lawless particle of matter might thus arraign the wisdom of the great Creator, how much more one lawless particle of mind? And this especially, when we consider that mind is necessarily active, and, by reason of its social nature, necessarily operative upon mind. For aught then that we can see, there does exist in the physical world and in the moral, an uncreated necessity for every atom in both being subject to law. For every talent he possesses, man is necessarily accountable, and though he often forgets this truth, the law does not. It still holds him to his duties.

Besides, from our ideas of moral accountability, we can scarcely separate the notion of time and season. Limitation is essential to probation. There must be a season—a period when the talent will be called for—when an account must be given of the manner in which power shall have been exercised.

In the application of moral principle by human arrangement, the designation of these times and seasons is matter of conventional agreement. Accordingly our laws, which prescribe duty and invest with power, generally fix some limit of accountability, defining the time and manner: or if they do not, they reserve the right so to do, whenever occasion may call for its exercise.

Now fellow citizens, we, "The Board of Trustees of La Fayette College," have a trust committed to our hand—a power delegated by the people of Pennsylvania. We desire to remember, that this power is not absolute—this trust is not irresponsible. Such an anomaly our laws cannot endure, so long as moral virtue is the basis of our constitution. We desire to feel also, that this trust is not one of trivial concern. In the charter of our existence, we would hear this great commonwealth, as the voice of a tender widowed parent, deeply solicitous for the reputation, usefulness and blessedness of her beloved offspring, thus address us—Take these, my orphan boys, sons of noble sires, though not born to princely fortunes—take them under your care: I constitute you their guardians: into your hands I commit the sacred trust of their physical, intellectual, moral and religious education. They possess, I trust, powers worth cultivating: develop these powers: draw

out every good quality: repress every evil disposition: fit them by such evolution of intellect and heart, for the high and responsible stations recently occupied by their illustrious sires, and send them forth well endowed to manage their paternal inheritance and minister unalloyed consolation to their surviving parent. May we not call this a sacred trust? And shall the trustees of such a charge not feel a deep and solemn responsibility? And, although our charter names not the day of our account, but only reserves to the legislature the right of recalling the powers granted, yet is there not a manifest propriety in our presenting annually to the people, an account of our doings for the past and designs for the future? Can any thing but rigid and punctilious accountability secure public confidence? And was ever that confidence withheld, where the trust was important and its execution faithful? Therefore do we step forward in this report, to lay before the public a statement of our doings and designs. Let our trusteeship be inspected.

La Fayette College is designed to bring the higher branches of education within the reach of youth in the humbler walks of life, even where indigence has travelled:—To elevate the standard of common school instruction.—To secure health to the student.—To promote the feeling of honourable independence.—And, to cement the extremes of society together, and so promote the permanent well being of the happiest nation in the world.

As to the first of these objects, viz: opening the halls of science to those in the middle and lower walks of life; we propose to accomplish it, not by an agrarian law, not by a poor-rate system, not by lowering the standard of education, but simply by affording to the industrious and talented youth an opportunity by the labor of his hands, at some productive branch of business, to become the maker of his own fortune, and the promoter of his country's honor and prosperity. The time and force expended usually in play for needful exercise, thus becomes available for his partial support. This throws open the door of competition in the learned professions to many who could not otherwise engage in literary pursuits and scientific labours.

Our success in this matter will be seen by a careful inspection of the appendix to this report. In the inspection, let the reader, however, recollect that our very limited resources as to capital to supply work and shoproom, have prevented us from employing in many cases, the full term of three hours, the time allotted by our rules to labour. And this deficiency has had a reflex operation upon the spirit of diligence. Some being unemployed, through a necessity growing out of our poverty, has operated a bad influence upon others, so that this year we have met with difficulty in several instances, in bringing up the student to the rule of labour. The cause of this difficulty, we trust the public will enable us forever to remove, by furnishing the means of erecting shops sufficiently large for the accommodation of all. Meanwhile, to enable the public rightly to estimate the results of a fair trial of the system, we have added a column in the statistical table, shewing the amount actually earned; and another, what would have been earned by each student, provided he had worked the full period of three hours per day.



From this table it appears that the whole amount charged within the year, for boarding and lodging, tuition and shop room, to fifty-two students, making an average of thirty-five for the whole year; is \$3825 37; that the whole amount actually earned and credited, is \$936 01, or nearly one-fourth of the charge; and that had full opportunity been afforded and embraced of working the full term, even at the low rates of our present disadvantages, the amount earned would have been \$1419 05, or nearly four-tenths of the whole charge.

2. As to elevating the standard of common school instruction, we propose to effect it by training teachers to that business as a profession. This is all important to our country and its free institutions. Virtue in the mass of the people, is the basis of our political system, intelligence and religion the basis of virtue. Let the foundations be destroyed, and the superstructure must fall. Let religion, intelligence and virtue pass away from the body of the people, and the walls of the temple of our freedom, though cemented by the blood of our fathers, must crumble to the ground. But let common schools disseminate the light of intelligence, and the love of virtue over the whole land, and the glorious structure will rise higher, in beauty and grandeur, commanding the admiration and love of all the friends of freedom, and exciting the envy and terror of its foes.

Now it is universally conceded that our common schools are not in a prosperous and profitable condition. Incompetent teachers, very frequently, receive inadequate support; and the inadequacy of the support secures and perpetuates the incompetency of the teachers. The labourer is rewarded, small as is the reward, beyond the value of his labour, and the employers are not qualified to detect the imposition. And how is this crying evil to be remedied? Not surely by any general school system, unless it embrace as a fundamental object, the training of teachers. But let teachers be well educated, that is, let them be taught thoroughly the branches which they will be called upon to teach, and, which is the principal thing, the art of *communicating* instruction and *governing* a school; and let their service be secured permanently in that business, by adequate pay, (say from the State School Fund for a time,) and then, but not we apprehend until then, will the virtue and intelligence of the community sustain a general system—then and not until then, will the means be procured of securing all that is dear to us as freemen, and as Pennsylvanians.

3. The preservation of health. All experience has shewn the correctness of the adage, "Much study is a weariness to the flesh." Health is often sacrificed at the altar of science. To be pale-faced, emaciated and feeble, is an important item in a student's college credentials. And under this absurd idea, many a noble youth has been educated at colleges, just to graduate and die. Or, if death should not prove to be the seal of his diploma, he draws out a miserable existence, suffering sometimes in a single day more than the pains of mere animal death. The cholera, fearful a scourge as it is, brings not in its train so large and fearful a catalogue of miseries as are experienced by that numerous and unhappy class, who have sold health for learning.

Besides, the actual loss of money to the community, incurred by the premature death of its educated men, is an immense tax. Each young man who dies at the threshold of professional life, must have expended something like \$2,000 on his education. The statistics are not collected, but the number in the United States probably exceeds one hundred per year. That is, we throw away, besides the life which cannot be valued, \$200,000 a year in educating men for the grave. Now the system we advocate largely forestalls this evil. Another year's experience confirms our confidence in the sovereign efficiency of this prophylactic remedy. *Regular, daily, systematic exercise* secures health of body, and by necessity health of mind. Sedentary disease is unknown in

our institution; unless indeed it be imported, and even then it is neither infectious nor contagious.

4. To promote a feeling of honorable independence: It is obvious that the provisions of our laws, relative to "the education of the poor gratis," operate a most unhappy influence upon this feeling. It wounds something which we are reluctant to denominate pride. Let this feeling be often wounded, and it will die; and with it will die the independence of our country. For if the people lose individually that high sense of honor, which prompts to vigorous effort for self support and self education—if they learn to lean on resources entirely foreign to themselves, they must soon lose it in a national point of view and become willing to lean on a foreign arm. But if a youth prosecuting study, acquires also a trade, by which, if providentially called to it, as was the great Apostle to the Gentiles, he can maintain himself; and if he at the same time, contributes materially to his own maintenance, it is evident he must acquire a consolidation—a solidity of character which must render him a valuable member of society.

5. With these views of the bearings of our plan, it is easy to see how it must operate in cementing the extremes of society together. The sons of the indigent and of the wealthy meet together in the duties of the field, the garden and the shop, and also in the labors of the study, and the recitation rooms. There is a perfect equality. All labor, and all study. They learn to esteem and love each other. They form intimacies which pass down through life, with recollections, sweet "as the memory of joys that are past." They meet, perhaps after years of separation, in the higher fields of professional labor; in the halls of legislation, or the sacred assembly.

Another way in which this influence is operated, is, by the school teacher's acquiring his professional attainments, in the college classes; and forming his acquaintances and attachments there. He thus constitutes a connecting link between the School and College, and promotes the interests of both, whilst he furnishes pupils for the one and teachers for the other.

Still a third mode in which this system tends to union is by breaking down the aristocratical notion that manual labor is inconsistent with high literary attainment and refinement of manners. The feeling undoubtedly has existed, and to some extent does it now exist, that to be able to handle the farmer's implements or the mechanic's tools, is derogatory to professional dignity and degrading to classic purity. Nor is this feeling confined to those who have been immured within the walls of a college. Many engaged in mechanical pursuits, entertain the same opinion; and accordingly regard the votaries of learning and science with feelings of envy and jealousy. Now there can hardly be conceived a more effectual method of suppressing such feelings, than the one we propose. Let literary men pursue this rational mode of exercise for the security of health, and they will at the same time create a fraternal feeling in the minds of those whose occupations they thus practically honor, and break down the barriers which must otherwise exist to the prejudice of the social body.

How all these things have their influence in promoting the lasting interests of the country, we need not delay to point out. Let this course be pursued, and the aristocracy of money and learning can never become dangerous, for it never can be hereditary and exclusive, where the high road to learning and to wealth lies open to all.

#### *Agricultural Department.*

For information on this subject, we refer to the statistics in the Appendix.

In the *Mechanical Department* we have recently procured a horse power machine to facilitate sawing. We have also commenced the manufacture of Ploughs on an improved plan: for the number we refer to the Appendix; as also for the number and description of boxes, trunks, and other articles manufactured.



*Permanent Location.*

In our first Annual Report, we alluded to the necessity of a permanent endowment, in order to a fair exposition of the system and its resources. We mentioned also that a contract had been entered into for land. We have now the pleasure to record that this contract has been confirmed and extended so as to secure eleven acres in an elevated and very beautiful situation. For the payment of the purchase money and the erection of the proper buildings, application was made to the Legislature during its last session. A bill passed the Senate prosperously, appropriating \$5,000, and \$1,000 a year for six years. It was diminished in amount and finally lost in the house by a majority of six votes. By this very unexpected result, the Board were thrown upon the only remaining resource, and one which never fails in a good cause—the public spirit of the community. Subscriptions were opened in Easton, and in a few days, \$2,935 were subscribed. Encouraged by this token of public favor, the Board could not hesitate to move onward. Contracts were made for materials and work. The first spadefull of earth was removed from the site on the 4th day of June; the first stone was laid on the 27th day of June, and the corner stone with appropriate ceremonies, on the 4th day of July. The building is 112 feet by 44, with a recess of 17 by 49 feet. The basement, the floor of which is two and a half feet below the surface of the exterior earth, is of limestone, and hammered for pointing; the first and second stories are of the same stone, rough laid, and the third story of brick. The three stories above the basement are intended to be plastered in imitation of granite. The entire structure, besides the entries, will afford two rooms 34 by 46 feet; two 19 by 34 feet; two 22 by 34 feet; fifty 15½ by 17 feet, and two a little larger—in all sixty. The roof frame which is already raised, will be covered with slate, and the whole crowned with a modest but tasteful dome and spire.

Whilst the work has been thus rapidly progressing, the subscriptions have also been advanced in this vicinity and in Philadelphia, to the amount of nearly \$5,000. The Board had cherished the purpose of publishing in an appendix to this report, as the most satisfactory mode of accounting to the public for the funds entrusted to their care, an entire list of their benefactors and their benefactions. But as several of the sums promised are not paid, and as many others are confidently expected, we have finally concluded not now to present an account, which must necessarily be very imperfect; but to defer a full and perfect statement of all our receipts and expenditures until our third annual report shall appear.

Our prospects for the future are not discouraging, although we have before us a heavy expenditure, with slender means at command. The public, however, whom we serve, are rich, and a great public object cannot fail for want of money. Permit us then to offer our drafts at the counter of public opinion. Thus stands the account: Besides the college edifice, we need a shop and a barn; we have the rent of the premises now occupied to pay, and the lands purchased to enclose in good fences; and we must have the nucleus of a library and apparatus. Estimates of cost:

College building and land,	\$12,000
Shop,	2,000
Barn,	1,000
Rent and fencing,	1,000
Library and apparatus.	4,000
	<hr/>
	\$20,000

Thus it appears that an expenditure of \$20,000 will afford opportunity to one hundred young men of acquiring a good collegiate education and of carrying into the active duties of life such bodily health and productive habits as cannot fail to render them highly profitable to

the best interests of their country. And these one hundred young men may earn on an average, each \$40 per annum. This ratio is less than has ever been allowed in this institution. It can undoubtedly be increased as the facilities for work are perfected. But even at this, the product is \$4,000 per annum; that is twenty per cent. on the entire expenditure.

Now this, as we have said, is clear gain to the students, that is, to the community—for the community must educate its own sons that serve it. And, counting the first cost of the establishment as an investment of five per cent. the product of labor saved, operating as a sinking fund, will annihilate the debt in less than six years.

We earnestly invite public attention to this calculation. We think the estimates of costs are fair, and fully adequate to complete the buildings named. The other item in the data, is not conjecture nor hypothesis; but matter of sober fact; the result of more than four years' experience. Students of fifteen years and upwards, by laboring three hours per day, can earn forty dollars per year. So that if one hundred youth from good common schools, be placed in such an establishment, and be kept diligently employed eight hours at study and three at labor each day, in six years they will graduate respectably, and the exercise necessary to health, being expended in manual labor, will pay for the entire college premises. Again, therefore, we invite the public, and especially the strong armèd yeomanry of the country—its bone, sinew, and nerve, to examine this calculation. If there be an error let it be pointed out. If not, then come—seize with a firm and manly grasp, the La Fayette Plough; drive a deep furrow; let the virgin soil, which has slept for ages in darkness, see the sun; cast in with generous hands the good seed in its season; and wait with humble confidence its return in a rich and abundant harvest.

*TERMS.**- Winter Session of twenty-four Weeks.*

For Tuition,	\$15 00
do. in the English branches, (preparatory school,)	10 00
Lodging, use of Tools, and Shop room,	5 00
Boarding, \$1 50 per week,	36 00
	<hr/>
Total for tuition, boarding, lodging, and shop room, for 24 weeks,	\$56 00

\* \* *The above in advance.*

From which the student may deduct, by laboring three hours per day, one-fourth or one-half.

(Appendix will be inserted hereafter )

## INGRAHAM'S ADDRESS BEFORE THE LAW ACADEMY.

An Address delivered before the Law Academy of Philadelphia, at the opening of the Session of 1828-9; by Edward D. Ingraham, Vice Provost of the Academy.

Gentlemen of the Law Academy:

The object of our institution is improvement in the science of the law. In a government emphatically of laws, and in a community attentive to the adoption of whatever tends to augment the convenience and happiness of its citizens, it is not to be supposed that the system regulating the daily actions of every man has been left untouched by the inquiring and amending spirit of an enlightened age. To this spirit the law academy owes its foundation, advancement, and success.

It is my intention, in the present address to you, to point out, as well as its limited nature will permit, and as one of the means through which the object of the institution is to be attained, the effects which have been



produced, by some of the most obvious of the various changes made in the law of this state, upon the studies and character of those who have recently succeeded, and those destined soon to succeed at the bar, a race the models for youthful imitation.

It became early apparent to the legislature of Pennsylvania, that many of the rules and proceedings of the laws of England, which were in force in the state, might be rendered more simple, intelligible, and effective; and it is not a little interesting now to observe how accurately they judged the evils, and to what an extent they anticipated the course of remedy pointed out in the elaborate view of a celebrated modern reformer of the existing evils and abuses of the law in England. The habit, however, of interfering with and altering the law, would seem, like most other habits, to increase in vigor with the growth and strength of the constitution; and unless controlled, produces the usual effect of any unrestrained habit. Accordingly, we find the legislature of Pennsylvania occupied within the last five and twenty years in altering freely the laws of the commonwealth, and acting apparently under the conviction, that to enable every man to try his own cause, to go to law cheaply, and become a member of the bar with the least possible study or qualification, was making a progress in the course of improvement of the science of law itself.

The most decided of the changes to which I have adverted, was that effected by the sixth section of the act of the 26th of March, 1806, entitled, "an act to regulate arbitrations and proceedings in courts of justice,"\* by virtue of which the most ignorant pretender is placed upon a more desirable footing than the most accomplished pleader, and he who has drawn in the most slovenly and unskillful manner a declaration or a plea, is so far from being prejudiced by it, that to convince the court of his blunder may in fact secure him an advantage. The knowledge and sagacity of the opposite counsel enable him to detect and point out the defect, and it is at once amended according to *his* view of it,—or knowing what the probable result of the amendment may be, he quietly passes it by, for fear by the very amendment, the trial of his own cause may be postponed. Thus his adversary receives the benefit of *his* skill, or the advantage of an ignorance which, with such encouragement, it would be worse than folly to overcome by a long course of painful study. Fortunately, however, this section of the statute has had the power to involve the highest tribunal in the state in such contradiction as to its true construction, that the two latest reported decisions† upon the subject, though made almost within four months of each other, are so diametrically in opposition, that until a third case be decided by the same court, upon the argument of which both those to which I refer shall have been cited, it will hardly be possible for counsel so to conduct themselves as to reap all the benefits of ignorance and inattention.

It has produced the effect also, of causing the profession of the law to be regarded as the resting place of those who do not succeed in other pursuits of life, however unacquainted with the proper preparatory studies or even a common English education;—and it has more than once occurred to me to hear the sarcasm of a celebrated writer, "that every man thinks he understands religion and politics though he never studied them, but no man undertakes to make a shoe unless he has served seven years' apprenticeship to the trade," applied as characteristic of the extreme facility with which any individual is transformed, in this state, into a practitioner of law.

\* 4 Sm. Laws, p. 326. Purd. Dig. 14.

† *Sharp et al. v. Sharp*, 13 Serg. & Rawle, 444, decided 9 January 1826. Opinion delivered by TILGHMAN, C. J. *Wilson v. Irwin*, 14 Serg. & Rawle, 176, decided 24 May 1826. Opinion delivered by ROBERTS, J.; Chief Justice TILGHMAN being present.

Co operating with the effects of this "omnipotent statute" are the periods of time required by the courts to be dedicated to study previous to admission to the bar.\* Three years diligently and faithfully employed, even under the best direction, comprise too short a period, at the age at which young men now usually commence their studies with a view to admission to the bar, to enable the student to become sufficiently acquainted with English law, the foundation upon which the superstructure of his future knowledge is to be raised. And after his admission, anxious and eager to get into business, how often do we find him wasting in ill directed desultory effort, in causes of small importance, the valuable time which, properly employed, would still enable him, at a later period, to attain the highest distinctions of his profession. His very success is against him,—for though he may succeed for a time in inducing some of the few upon whom a well turned period, from its euphony rather than its application to the particular subject, makes an impression, to trust their interests to his care, yet time brings with it the inevitable result which is to be expected when a man undertakes a task to which he is utterly incompetent. Well would it be for him if his own eyes could be opened by his failure, and amendment be the result. But it is too difficult a labor to resume habits of regular study once abandoned, and he continues his career, kept in countenance by numerous brethren, examples of some of the pernicious effects of the system which I am endeavoring to point out to you, with the hope, at the same time, of being able also to indicate the means of preventing the operation of those effects upon yourselves. That I have not drawn an unfaithful picture of the present state of legal science in this commonwealth, I may with the greatest safety affirm before those who, as practitioners, are conversant with and deplore the fact; and with the utmost confidence I refer him who entertains a doubt to the volumes of Pennsylvania reports published within the last fifteen years. The cases exhibit a regular series of experiments upon the indulgence of the courts, and an anxious endeavor to establish the reign of carelessness and inattention and their necessary attendant, ignorance, by adding judicial sanction to their own too powerful natural influence.

Such are the general effects, and most prominent evils to which I have deemed it proper to call your attention. The most obvious of the difficulties which they interpose to prevent the student's advancement in legal science before and after his admission to the bar, are next to be noticed. It is through the practice of the courts, and of approved forms of stating legal rights, that legal questions are rendered ripe for discussion. The science of the law is but darkly comprehended by the inquirer who has not ascertained the intimate connexion existing between its principles and the practice by which they are carried into effect; and hence, he who neglects the practical routine, is most certain of being imperfectly acquainted with the principles of his profession. A want of precision, and an absence of the unity and symmetry properly attendant upon legal proceedings, impede the progress of the student and practitioner, therefore, in the ratio in which they render the science of the law obscure and incomprehensible. The often renewed and vague discussion consequent upon a loose or imperfect set of pleadings, leads to a grievous waste of the public time, which a more technical mode of proceeding would permit the courts to dedicate to the purposes for which they were constituted, instead of being obliged to consume in endeavoring to control a series of legal scuffles often subversive of both law and justice.

I am desirous to be understood in a more comprehensive sense when I use the word "practice," than

\* Three years if the student commence his studies previous to the age of twenty-one years, and two years if he commence after that age.



would suggest itself at first to my hearers. It is not to be lost sight of in relation to this subject, that the peculiar system of Pennsylvania includes all the principles of the English system of law, whilst it wants most of the peculiar means of carrying those of the principles of that system denominated Equity into effect. Nothing can be understood, comparatively speaking, of Equity, by which far the greater number of the transactions of life are judged and determined, without a proper acquaintance with the machinery by which its admirable principles are rendered effective—yet nothing is more common than to discover, that the candidate for admission to the bar, in a state of the courts of which it has been truly said, “that whoever comes into one of them, comes as well into a court of Equity as a court of Law,” has never thought of looking into a single treatise of Equity practice, or pleading. He satisfies himself that there is no occasion for any such unnecessary learning, by a recurrence to a phrase often heard from the mouths of our state judges, and as often misunderstood perhaps, “that there is no Court of Chancery in Pennsylvania;” or if haply he receive an intimation that, in the Circuit Court, the principles and practice are administered by a distinguished judge of Equity, who received his legal education in this city, and whose reported decisions show that those who preceded us in our career at the bar were wiser in *their* generation, he proposes to remedy any deficiency when his practice in that court increases. I cannot suffer this occasion to pass without entering a protest against this dangerous error. The practitioner of law in this state should be deeply versed in the principles and practice of Equity. Not only are some of the powers and modes of proceeding, peculiar to the English courts of Equity, specially delegated to our courts by the constitution, and others by different acts of assembly, to say nothing of their general exercise by the Orphan’s Court, itself a Court of Equity, but such a knowledge is absolutely requisite to enable him to adapt the imperfect modes of proceeding through which the judges endeavor to supply the want of a court of Equity, to cases which the progress of society, and the increasing wealth and prosperity of the state are continually forcing upon the profession for consideration. The state is surrounded, too, by sister states possessing Courts of Equity, whose proceedings and decrees are often the subject of discussion in our courts, and present cases in which ignorance of the principles and practice of Equity would be fatal to the interests of a client, if not ruinous to the reputation of his legal adviser.

It is to be expected of me, that after having pointed out some of the defects of the present system of preparation for admission, and the tendencies and results of the loose state of practice at the bar, I would suggest the proper remedies. I do not hesitate to do so. The propriety of pointing out what is deemed evil and error, is often to be determined by the intention in so doing to assist thereby in effecting their amelioration or total removal; and however feeble the effort may be, to make it is one of the duties of the station I fill in the Academy, and a part of the great duty which every man owes to his profession. The courts only have the power to add to the length of time required to be devoted to the study of the law. It is for them to interpose their authority, and insist upon more perfect knowledge, before they suffer that sanction of qualification, admission to the bar, to mislead those who regard it as evidence of capability, and rely upon it in their choice of a guide through legal difficulties. Let me not be told that the fame of Erskine and Curran, whose periods of study were not longer than those which I wish to see increased, is an answer to this suggestion. Elevated to the highest judicial offices of the country, they added to the number of examples that prove, how little reliance is to be placed upon hasty preparation for the bar—truly has it been said by a writer to whom we are all indebted, “that in an English court of justice the veriest dolt

that ever stammered a sentence, would be more attended to with a case in point, than Cicero, with all his eloquence, unsupported by authorities.”\* The few reported cases decided by Lord Erskine prove how little he was qualified for the station of Lord Chancellor of England, with all the assistance which it is well known he derived from the ability and learning of Hargrave; and one solitary case† is found in print of all the decisions of Curran, while Master of the Rolls of Ireland—stronger evidence of his unfitness for that judicial station than the disgust with which he accepted the office. In the power of the courts, also, is the remedy of requiring from the bar more attention to the practical part of the duties of their profession; and it is a duty they owe to themselves and the public, not to encourage and augment ignorance and carelessness, by permitting amendments to be made out, of tenderness to the interests of a client committed to unskilful hands. Let it be once understood, that the client will be visited with the consequences of his counsel’s error or ignorance, and there will be little error or ignorance to complain of—the time of the courts will be amply sufficient for the discharge of all their duties, and if any reason exists for an application to the highest tribunal in the state, the profession will be spared the mortification of hearing it so often declared, upon the decision of the case in that court, “that the record presents a tissue of extravagant blunders.”‡

Thus much can be done by the courts—the other remedies, Gentlemen of the Law Academy, are in your own power, and rest with yourselves. They consist in an ardent zeal for the acquisition of a knowledge of the principles and practice of your profession—of perseverance in labour—of an exclusive devotion to the law itself. “The law, I am afraid, requires the *whole* man—admits of no concurrent pursuits,” and demands the industry of a laborious, perhaps a long life. The united testimonies of the wisest among its professors attest its all engrossing nature, and their conviction, that an attention to subjects without the pale of the profession is always injurious, by diverting into other channels the patience, resolution, and energy requisite to eminence. Who is ignorant of the fervour by which Sir William Jones was animated—of the devotion of Fearn—of Blackstone’s sacrifice of his favourite studies, commemorated by him in imperishable poetry—his last indulgence. §

It cannot be expected that I should now point out the particular course of study, by which the student is to attain the knowledge of his future profession. The limits of an address do not permit me to do more than express my decided approbation of that recommended by Mr. Butler in his *Reminiscences*.|| Let me join also that distinguished lawyer in his protest against the general opinion, that the law is a dry and unpleasant study; such, he says, he never found it, and such, I believe with him, “it has never been found by any person, who has applied himself to it with sufficient natural and acquired endowments, and a determined resolution not to be disheartened by its first difficulties”

I feel that I should omit a most material suggestion, did I not, in addition to what has been said upon the necessity of a longer period of study, urge upon you the advantage, or rather the necessity of devoting the first three years after your admission to the bar to study, and of refraining from engaging in much business. This period may be most usefully employed by the student

\* Mr. Maddock’s *Principles and Practice of the High Court of Chancery*—close of the preface.

† *Merry v. Power*, *Speeches of the Right Honourable John Philpot Curran, Master of the Rolls, in Ireland*, p. 477, 4th Edit. Lond. 8vo, 1815.

‡ See *Swigart v. Lowmarter*, 14 Serg. & Rawle, p. 202.

§ “The Lawyer’s Farewell to his Muse.” Dodsley’s *Miscellanies*, Vol. 4.

|| Part I. p. 54, N. York Edit. 1824.



who has begun later in life, and is fully aware of the importance of uniting discipline of mind to acquired knowledge; and for him who has begun earlier life, it will correct the error of having taken upon himself the duties of an important profession proportionably too young. It may also be dedicated with the greatest advantage to acquiring modes of business, by attendance upon the courts, and observation of the course pursued in the conduct of causes by those to whom practice has given skill—to those who know the importance of experience and habit in the examination of witnesses, and the danger to be apprehended from the answer of an indiscreet question, I need not urge this suggestion—they are well aware, that to the practitioner a want of business habits is a defect for which no learning can compensate, no talents atone.

Let me impress upon you the necessity, after you become practitioners, of bestowing the utmost care upon the pleadings and papers which you prepare. No one can hope to use with effect his knowledge of the principles of law, if he be unskilful or slovenly in the forms of it—the only medium through which its principles can be administered. Allow me also to say, that skill in this branch of your profession is not only one of the surest tests of general qualification in it; but that the saving of time which it ensures, can only be fully known by those whose attendance upon the courts shows them the result of a different course of proceeding; while at the same time the satisfaction and freedom from anxiety, which it procures, cannot be fully appreciated by those who have never endured the reproaches of a client, whose judgment has been arrested or reversed, after an arduous and expensive trial on the merits of his cause, because his counsel, notwithstanding all the assistance to be derived from the many excellent practical works upon pleading, to which he might have had recourse, negligently prepared an insufficient declaration.

Before I conclude, let me ask of you, Gentlemen of the Law Academy, a strict attendance upon the duties of the academy during the ensuing session. As preparatory exercises for a state of future professional exertion, its duties, pursued with fidelity and constancy, are to you of the utmost importance. They do not, it is true, assist directly in giving that facility of applying your knowledge to the conduct of a *nisi prius* cause which actual experience will hereafter supply; but they will enable you to ascertain and estimate your own progress in acquiring the principles of law; and by convincing you of the necessity of industry, order, and comparison in the preparation of your arguments upon the question to be discussed, lay the foundation of habits and acquirements the best securities of future eminence and success.

## LAND TITLES.

(Continued from page 312.)

Having thus given a connected view of the Indian purchases, and some notices of the discontent occasioned by encroachments on the Indian lands; it is material to state the acts of the government, legislative and executive, to restrain these illegal proceedings, and restore harmony between the province and the Indian tribes; and finally to show their operation upon a certain class of land titles.

The proprietors professed not to sell any lands beyond the boundaries of the purchases. If surveys were made over them without their consent, they were illegal and void. To have departed from this principle would have occasioned wars of a most fatal kind to the interests of the province; and would have been a violation of the most solemn engagements with the natives. The line of duty was therefore plain, and every moral and political obligation, commanded them to pursue it.

By an act passed in 1700, (chap. 20,) it was enacted,

“That if any person presume to buy any land of the natives, within the limits of this province and territories, without leave from the proprietaries thereof, every such bargain or purchase shall be void and of no effect. To this act there was a supplement, passed February 14th, 1729–30, (chap. 312.)

By an act passed February 3d, 1768, (chap. 570,) after the preamble in these words, “Whereas many disorderly people, in violation of his majesty’s proclamation, have presumed to settle upon lands not yet purchased from the Indians, to their damage and great dissatisfaction, which may be attended with dangerous and fatal consequences to the peace and safety of this province,” it was enacted, that if any person settled on the unpurchased lands, neglected or refused to remove from the same within thirty days after they were required so to do, by persons to be appointed for that purpose by the governor, or by his proclamation, or being so removed, should return to such settlement, or to the settlement of any other person, with or without a family, to remain and settle on such lands, or if any person, after such notice, resided and settled on such lands, every such person, so neglecting or refusing to remove, or returning to settle as aforesaid, or that should settle after the requisition or notice aforesaid, being legally convicted, was to be punished with death without benefit of clergy. But this act was not to extend to persons then, or thereafter settled on the main roads, or communications, leading through the province to Fort Pitt, with the approbation and permission of the commander in chief of his majesty’s forces, &c. or in the neighborhood of Fort Pitt, under such permission, or to a settlement made by George Croghan, deputy superintendent of Indian affairs, and Sir William Johnson, on the Ohio, above the said fort.

And if any person or persons, singly or in companies, presumed to enter on any such unpurchased lands, to make surveys thereof, mark, or cut down trees thereon, and should be convicted thereof, was, or were to be punished by a fine of fifty pounds, and three months’ imprisonment.

This act was limited to one year, and to the end of the next session of assembly. On the 17th of February, 1768, an act was passed, appropriating a sum of money to be applied to removing the discontent of the Indians, &c. (chap. 571.)

And on the 18th of February, 1769, an act was passed, (chap. 587.) with a similar preamble, to punish by a fine of five hundred pounds, and twelve months’ imprisonment, any person or persons, who singly, or in companies, should presume to settle upon any lands within the boundaries of this province, not purchased of the Indians, or who should make, or cause any survey to be made of any part thereof, or mark, or cut down any trees thereon, with design to settle or appropriate the same to his own, or to the use of any other person, &c. (Galloway’s edition, page 355.)

This act, being without limitation, expired only on the extinguishment of all the Indian titles.

The reason of passing laws so highly penal, will be found in the votes of the assembly, vol. 6th, p. 7–8. The intruders who had been removed, had returned to their settlements. By the communications from Sir William Johnson, and General Gage, it appeared that there were apprehensions of an immediate rupture with the Indians; proclamations had proved to be ineffectual, and it was earnestly required that more effectual provisions should be made for that purpose, “before it should be too late to prevent the devastations, cruelties, and effusion of blood, attendant on an Indian war, which might be experienced soon, unless active measures were adopted, for the redress of the grievances of which the Indians complained.”

Indeed, so desirous was the government to prevent any cause of uneasiness with the Indians, that in April, 1760, an act was passed (chap. 456, vol. 1, p. 227,) inflicting the penalty of fifty pounds, and twelve months’



imprisonment, to hunt, or follow wild beasts, &c. without the limits of the lands purchased of the Indians by the proprietaries.

We have already given some account of the complaint of the Indians against the encroachments on their lands at Tulpehocken, on the lands on the Juniata, over the Kittatinny hills and in the forks of Delaware, and the manner by which they were quieted. All the different conferences and treaties with the natives are fairly entered in the council books, to which access has been had to establish facts; this part of the note will therefore be closed with a brief view of such acts on the part of the executive as have been deemed material.

A proclamation was issued July 18th, 1749, in consequence of the complaint of the Senecas, previous to the purchase of 1749, commanding all persons seated on lands not purchased of the Indians, lying westward of the blue hills, to remove therefrom; reciting, among other things, "That these persons had neither license from the proprietaries, nor color of title to said lands, and to permit them to stay there, would not only be a breach of the public faith given to the Six Nations, but may occasion dangerous quarrels with them, and be the cause of much bloodshed." Council books, M. p. 30.

At the treaty which ended in the purchase of 1749, the speaker, Canassatego, mentions that he had seen the papers, (proclamations,) ordering the people to remove in consequence of the complaints made by the Senecas, and thanked the governor for taking notice of them, and taking measures to turn them off; but, said he, we are apprehensive that no better effects will follow those, than former ones of the same nature; if not, we must insist on it, that as this is on the hunting ground of our cousins, the Nanticokes and other Indians, living on the waters of the Juniata, you use more vigorous measures, and forcibly remove them. We must not be deprived of our hunting country; and indeed it will be an hurt to you, for all we kill goes to you, and you have the profit of all the skins. We therefore repeat our earnest intreaties, that they all may be immediately made to go away with their effects, that this country may be entirely left vacant, *ibid.* p. 36. This was promised to be done; and some kind of force became necessary; which will produce to view a transaction ever memorable in the land history of Pennsylvania.

On the 25th of May, 1750, governor Hamilton informed the council, that Mr. Peters the secretary, and Mr. Weiser, the Indian Interpreter, were then in Cumberland county, in order to take proper measures with the magistrates, to remove the settlers over the hills, who had presumed to stay there, notwithstanding his proclamation; and laid before them the minutes of a conference held at Mr. Croghan's, in Pennsborough township, as well as with Mr. Montour, as with some Shamokin and Conestogoe Indians. The Indians expressed themselves pleased, to see them on that occasion; and as the council at Onondago had this matter exceedingly at heart, they desired to accompany them; but, said they, notwithstanding the care of the governor, we are afraid that this may prove like many former attempts; the people will be put off now, and come next year again; and if so, the Six Nations will no longer bear it, but do themselves justice. Then follows the report of Mr. Peters, entered at large, and also printed in the votes of assembly, vol. 4, p. 137. By which it appears, that on the 22d of May they proceeded to a place on Big Juniata, about twenty-five miles from its mouth, where there were five cabins, or log houses, one possessed by William White, another by George Cahoon, the others by men of the names of Hiddleston, Galloway, and Lycon. These men, except Lycon, were convicted by the magistrates upon view, in pursuance of the act of February 14th, 1729—30, (chap. 312,) and the cabins were burnt. A number of cabins were also burnt at Sherman's creek, and Little Juniata. On the thirtieth of May, they proceeded into the Tus-

carora path, or Path valley, and burnt eleven cabins; at Aughwick, they burnt the cabin of one Carlton, and another unfinished one, and three were burnt in the big cove. The settlers, who were numerous, were recognized to appear at the following court. The report is long, but interesting, and may be readily referred to in the printed journals. Every public document thus incontestibly proves the invalidity of settlements and surveys on the unpurchased territory. See minutes of council, Book M, p. 58 to 71.

April 18th, 1752, commission and license to Andrew Montour, to settle and reside in any place he should judge convenient and central, and to preserve the lands from being settled by others, and warn all off who had presumed to go there; and to report the names of such as settled there, that they might be prosecuted. *Ibid.* 151.

The proceedings at Albany in 1754, have been already transiently mentioned. One of the great objects of that treaty was to remove the discontents, and strengthen and confirm the wavering fidelity of the Six Nations; and, as is expressed by the lords of trade, "at so critical a conjuncture, to put them upon their guard against any attempts which may be made to withdraw them from his majesty's interest; and that nothing may be wanting to convince the Indians of the sincerity of our intentions, you will do well to examine into the complaints they have made of being defrauded of their lands, to take all proper and legal methods to redress their complaints, and to gratify them by reasonable purchases, or in such other matter, as you shall find most proper and agreeable to them, for such lands as have been unwarrantably taken from them, or for such other as they may have a desire to dispose of." *Ibid.* 341.

The proceedings of this treaty enter deeply into the provincial history of this country, and but a small part of it is applicable to the subject of this note. The editor cannot, however, avoid remarking, that there may be traced, in considerable detail, the artful measures of persons pretending claims under Connecticut to lands within the charter bounds of Pennsylvania, and their clandestine proceedings in obtaining a deed from certain Indians for the Susquehanna lands, after the sale to Pennsylvania, and a full view, exhibited by the proprietary commissioners to them, at their own request, all the original deeds; the cause of infinite trouble and expense, the effects of which are yet painfully experienced. At this treaty, also, a plan of union among the colonies, was drawn up and adopted, to be laid before the respective colonies, on principles which have since more extensively and beneficially been carried into effect by the constitution of the United States.

Proclamations for the removal of certain settlers at Cushietunk on Delaware, February 28th, 1761, council books, S, p. 85—and September 16th, 1761, *ib.* 179—and June 2d, 1763, *ib.* 387.

The royal proclamation of 7th October, 1763, expressly prohibited any settlements on lands unpurchased from the Indians, and commanded such settlers forthwith to remove. *ib.* p. 431.

Proclamation commanding settlers on unpurchased Indian lands immediately to evacuate and abandon them. Council books, T, p. 121. Dated September 23d, 1766.

On the 24th of February, 1768, a proclamation was issued by governor John Penn, which, after reciting the act of February 3d, 1768, (*supra*) proceeds thus. "In pursuance thereof, of the said act, I have thought proper, by the advice of the council, to issue this my proclamation, hereby giving notice to all and every such person and persons who are settled upon any lands within the boundaries of this province, not purchased of the Indians, by the proprietaries thereof, (except as in the said act is excepted,) to remove themselves and their families, off and from the said lands, on or before the first day of May next ensuing. And I do hereby



strictly charge and command such person and persons, under the pains and penalties by the said act imposed, that they do not, on any pretence whatever, remain or continue on the said lands, longer than thirty days after the said first day of May next." Council books, T, page 238.

The next matter to be considered is, how far judicial decision has strengthened and supported the principles apparent in all the foregoing proceedings.

In Plumsted's lessee *v. Rudebagh*, Westmoreland, May 1795, before M'Kean, C. J. and Yeates, J. MSS. Reports. Plaintiff claimed under a special order of survey to D. Franks, on the 1st of April, 1769. Surveyed in June, 1769, and followed by patent in February, 1787.

The defendant offered to prove, that his father, Christopher Rudebagh, settled on these lands in 1761, before the Indian purchase, in consequence of a military permit from colonel Boquet, which he alledged was lost by the casualty of fire; but that his uninterrupted possession until his death would be presumptive evidence thereof, and that he had made considerable improvements thereon. (Defendant had obtained a warrant for the land in December, 1784.)

This evidence was excepted to, and overruled.

By the Court.—How can the parol evidence affect the present question of right? In 1761, the soil belonged to the Aborigines. Neither the act of assembly, nor the proclamation of 1768, gave the settler before the Indian purchase any title to the lands. By the act it was made highly penal either to make other settlements on the Indian lands, or not to remove from those already made.

On the opening of the Land Office, on the 3d of April, 1769, it was declared "That those who had settled plantations, especially those who had settled by permission of the commanding officers of the westward, should have a preference."—What does this preference mean? Does it not suppose that an application should be made by such settlers, to the Land Office, on 3d April, 1769, or in a reasonable time, afterwards, for this favour, in order to secure their possessions? Neither old Rudebagh, nor his son, applied for any supposed preference of these lands until December, 1784, above fifteen years after the commencement of the plaintiff's title; and this will not be pretended to be in due and convenient time. To introduce witnesses to prove these improvements would, in our idea, be irrelevant to the point of right, after such great negligence. Such a measure would make the titles of lands, which should be permanent and fixed, to depend on parol evidence, and open a wide door to perjury.—Verdict for plaintiff.

So, in the lessee, of David Sherer *v. Thomas M<sup>r</sup>. Farland*, Westmoreland, May 1797, before Yeates and Smith, Justices, MSS. Reports. The plaintiff claimed under a warrant for 200 acres of land, including an improvement, on the waters of Sewickly, &c. dated 24th of June 1785, and a deed poll of the improvement from John Loydick to William Mount, dated 11th of January, 1775, and another deed from Mount to Sherer, dated 21st January, 1778, and he offered to prove, that one Abraham Leasure made a considerable improvement on these lands in 1768 and 1769, before the opening of the Land Office, and that John Loydick derived title under him. This evidence was objected to.

By the Court.—We are no enemies to bona fide improvements, restricted without rational limits; but these were never deemed to extend beyond the lands purchased from the Indians. Such a system would be wild, as well as highly impolitic, and would tend to deluge the country in blood, by provoking the savage nations to hostilities.

Under the law of 3d of February, 1768, all persons were interdicted from settling on the Indian lands, under the highest forfeiture known in society; and by an act of 18th of February, 1769, persons making such settlements, or making surveys, or making, or cutting

down trees with design to settle, or appropriate such lands, incur a penalty of £500, and twelve months' imprisonment. It cannot be possible, that such daring infringers of the laws, could gain any title by unauthorized acts of trespass, against the solemn declared will of the community?

It must be admitted, that the lords of the soil had the exclusive right of disposing of their lands in their own mode. Immediately after the Indian treaty at Fort Stanwix, was closed, on the 4th November, 1768, the people were publicly notified, that improvements on the newly purchased lands should give them no advantage whatever; and the same information was given on the opening of the Land Office. It cannot therefore be doubted, but that to obtain a title to the lands lately sold by the natives, it was absolutely necessary to apply to the Land Office in the usual and accustomed method.

Such have been the uniform decisions of courts of justice, in which we fully acquiesce. To establish a contrary doctrine, would introduce insecurity of property, and every species of mischief. The testimony offered is therefore overruled.

Defendant claimed under an application of 3d of April, 1769, a survey and patent. The plaintiff suffered a nonsuit.

And, in Drinker's lessee, *v. Hunter*, Northumberland, October, 1796, before the same judges, (MSS. Reports.) The court after argument, declared that no settlement on, or improvement of lands out of the limits of the Indian purchases, after the law of 3d of February, 1768, gave any pretensions of preemption to the parties making them, or shadow of title, nor would the court suffer evidence of such settlements or improvements to go to the jury.

And in a still stronger case, at the same court, (MSS. Reports,) in the lessee of Peter Weiser, *v. Samuel Moody*. The plaintiff claimed under a patent dated 7th of July, 1755, issued to Conrad Weiser, his grandfather, in consideration of his services, as interpreter to the Six Nation Indians, and of £5. It recited a warrant dated 21st of January, 1755, (which was not shewn in evidence,) and a survey thereon, of 305 acres, 36 perches, and allowance made on the 9th of June, 1755.

The warrant issued in consequence of the special directions of the late proprietaries, dated the same day. It was an order in favour of Conrad Weiser and Richard Peters, for 4000 acres, in any part of the new purchase lately made of the Indians; and the deputation from Nicholas Scull, the Surveyor General, to Samuel Weiser, was to survey for his father, a tract on Susquehanna, a small distance above the tract lately confirmed to him. This tract lay two miles from the land in question.

Nothing appeared on the face of the survey, or any of the papers produced by the plaintiff, which could have denoted, that the lands in controversy lay out of the then Indian purchase, which was admitted to be the case.

The defendant claimed under an application dated 24th of May, 1769, after the treaty at Fort Stanwix, descriptive of the disputed grounds, and a survey made thereon, on the 23d of August, 1769.

The court declared their opinion to the jury, that if the late proprietaries, or their officers, knew that the lands surveyed for Conrad Weiser, lay out of the then Indian purchases, and granted them under full knowledge thereof, the patent would enure for the benefit of the patentee, when the lands came afterwards to be purchased of the Indians; and the proprietaries could not pass the title to a stranger. It might be compared to a person's selling lands without title, and afterwards obtaining a right thereto, where the vendor would hold in trust for the vendee.

The proprietaries enjoyed a grant from Charles II, to their ancestor William Penn; but they did not rely solely thereon. They bought the lands from the natives, and gave them valuable considerations therefor. Herein they evinced a strong sense of moral honesty, as



well as sound extended policy. It cannot, therefore, be presumed that the proprietary officers knew the lands surveyed to Conrad Weiser, to be without the limits of their purchases. It would form an exception to their uniform established practice, and ought to be clearly shewn. The warrant in all probability, pursued the terms of the special order, and was for lands "in some part of the new purchase." The order to Samuel Weiser, to make the appropriation, called for lands a small distance from another tract, which was confessedly within the purchase. If other words were used in the warrant, it ought to be shewn; and its absence induces a presumption, that if produced, it would operate against the party. No mountains or waters are to be seen on the survey, from whence it might be inferred, that the lands designated thereby, were out of the Indian purchase. If the king is deceived in his grant, it will be avoided. Any contract or deed will be visited by *allegatio falsi, sive suppressio veri*. The plaintiff suffered a nonsuit.

This principle is fully recognized in *Kyle's lessee v. White*. Both plaintiff and defendant had settled on the Indian land, on Juniata, previous to the purchase of 1754. Neither of them, says the chief justice, can derive title from the date of their improvements, because they were made against law, on lands not purchased of the Indians. 1 Binney, 248. This case will be again cited for other purposes.

As settlements under military permits are excepted by the act of February 3d, 1768, and the proclamation of the 24th of the same month, it is proper that class of cases should be considered here. During the Indian warfare, it was necessary for the accommodation of the the armies on the line of their march, that such settlements should be encouraged in the wilderness. And it was reasonable, that persons who by such permission, had settled plantations, at the risque of their lives, for public accommodation, (throwing aside all motives of private interest, which, no doubt, had their influence,) should have the preference, when the office was open for the sale of the lands. Such preference was accordingly given.

In *Blaine's lessee v. Crawford, Alleghany*, May, 1793, before M'Kean, C. J. and Yates, J. (MSS. Reports.) It is recognized as a principle, that a military permit to settle and improve lands, is not to be regarded, unless followed by a settlement and improvement.

In the lessee of Todd, *v. Ackerman, Westmoreland*, May, 1793, before M'Kean, C. J. and Yates J. (MSS. Reports.) A question was raised, whether a person claiming under a military permit, did not lose his preference, by not entering his application on the third of April, 1769. On the single abstract point, it was held, "that a settler under permission of a commanding officer, to the westward, did not lose his preference by omitting to apply to the Land Office on the third of April, 1769." But how early such application ought to have been made, was not then decided. It must be in a reasonable time, as mentioned above in *Plumsted and Rudebagh*.

But, in the lessee of Bernard Gratz *v. Patrick Campbell, Westmoreland*, November, 1800, before Yeates and Smith, Justices, (MSS. Reports.) The plaintiff claimed a moiety of the land under a special order to David Franks, of the 1st of April, 1769, a survey thereon made 1st June, 1769, and a conveyance from Franks.

The defendant offered to shew, that he made a settlement on these lands in 1761, before the Indian purchase, under a military permit, which he asserted to have been lost; and that Christopher Hayes, the agent of the said Franks, had agreed to the running of a line between him and his principal. It was admitted, that he took out no office-right until 1784.

But the Court said, that such evidence, in a case so circumstanced, would introduce the utmost confusion, and impair former determinations. Here it is not attempted to shew any parol evidence, that such a military

permit ever existed. But if this had been shewn, it was incumbent on the party to obtain an office-right after the opening of the Land Office on the third of April, 1769, or in a reasonable time afterwards; and no case has yet gone further than by extending that time to the month of July following. Here the warrant was not obtained till 1784, and the military permit had, long before, lost its preference. As to the consent of Hayes to a line, it can have no effect, unless he was authorized to settle boundaries. The evidence was over-ruled, and verdict for plaintiff.

Before we proceed to the general subject of the Land Office, it is proper to bring into view the public transactions respecting boundaries with the adjoining states.

With respect to the state of New Jersey, there could be no controversy as to the general boundary of the river Delaware, but the jurisdiction in and over that river, and the islands therein, became the subject of compromise.

An agreement was accordingly entered into by the two states, by means of commissioners, on the 26th of April, 1783, and ratified by act of assembly, passed 20th of September, 1783, (chap. 1024,) all which may be seen at large in this volume, ante. page 77, and need not be repeated here; see also an act annexing the different islands in the Delaware allotted to this state, to the jurisdiction of the adjoining counties, 26th of September, 1786, (post. chap. 1234.)

With respect to New York, commissioners were appointed, in pursuance of an act passed 31st of March, 1785, (chap. 1143,) to join with commissioners on the part of the state of New York, to ascertain the northern boundary of this state, from the river Delaware, westward, to the northwest corner of Pennsylvania. This duty was executed, and the line run and marked, which line was ratified and confirmed by an act passed September 29th, 1789, (post. chap. 1446,) which, as it may be seen at large in this volume, need not be repeated in this note. By an act passed 27th of March, 1790, (chap. 1489,) three hundred pounds were granted to Reading Howell, for delineating on his map all the lines of this state, as established by law, or otherwise fixed and ascertained.

The draughts of the Delaware, and the boundary line between this state, and the state of New York, returned by the respective commissioners, are deposited in the office of the secretary of the commonwealth.

A considerable part of the lands now within the jurisdiction and boundaries of Pennsylvania was claimed to be within the dominion of Virginia, and was possessed by rights under that colony. It was determined in 1754, to build a fort, to prevent the encroachments of the French, at the Fork of Monongahela, where Pittsburg now stands. And to encourage the enlistment of troops, the following proclamation was issued by governor Dinwiddie, on the 19th of February, 1754:

"Whereas it is determined, that a fort be immediately built on the river Ohio, at the fork of Monongialo, to oppose any further encroachments, or hostile attempts of the French, and the Indians in their interest, and for the security and protection of his majesty's subjects in this colony, and as it absolutely necessary, that a sufficient force should be raised to erect and support the same: For an encouragement to all who shall voluntarily enter into the said service, I do hereby notify and promise, by and with the advice and consent of his majesty's council of this colony, that over and above their pay, two hundred thousand acres of his majesty, the king of Great Britain's lands, on the east side of the river Ohio, within his dominion, (one hundred thousand acres whereof to be contiguous to the said fort; and the other one hundred thousand acres to be on or near the river Ohio,) shall be laid off and granted to such persons, who by their voluntary engagement, and good behaviour, in the said service, shall deserve the same. And I further promise, that the said lands shall be divided amongst them immediately after the performance



of the said service, in a proportion due to their respective merit, as shall be represented to me by their officers, and held and enjoyed by them without paying any rights, and also free from the payment of quit-rents, for the term of fifteen years. And I do appoint this proclamation to be read and published at the court house, churches and chapels, in each county within this colony, and that the sheriffs take care the same be done accordingly."

As this proclamation was transmitted by governor Dinwiddie to governor Hamilton, the latter gentleman wrote thus, in answer, on the 13th of March, 1754.

"The invasions, &c. having engaged me to inquire very particularly into the bounds and extent of this province westwardly; I have from thence the greatest reason to believe that the fort and lands (intended to be granted,) are really within the limits of Pennsylvania. In duty to my constituents, therefore, I cannot but remind you of what I had the honor to write to you some time ago, upon this subject; and transcribe for your consideration the following extracts from two letters of the honourable Thomas Penn, in relation to this matter.

"I desire you will enter into any reasonable measures to assist the governor of Virginia to build a fort there, to wit, at the Ohio, taking some acknowledgment from him, that this settlement shall not be made use of to prejudice our right to that country, at the same time you gave him assurance the settlers shall enjoy the lands they settle bona fide, on the common quit-rent, &c. March 9th, 1752."

"I hope you will, as I wrote you on the 9th of March, acquaint the governor of Virginia that we consent to this, (that is, to the building of a fort at Ohio,) without prejudice to our right to the land, in case it should be found to lie within our province, to be granted to the bona fide settlers on the same rent and conditions as they are to have it from Virginia. July 13th, 1752."

"As Mr. Penn's expectations herein appear to me extremely reasonable, and I cannot, I apprehend, at all interfere with the well judged encouragement you have thought fit to promise to such as shall enter into this service, I flatter myself you will find no difficulty in making the acknowledgment therein mentioned, as I on my part am ready to give you any assurance that the bona fide settlers shall be entitled to the lands under this government on the same rent and conditions as are granted by you, &c."

March 21st, 1754, governor Dinwiddie writes in reply, "I am much misled by our surveyors, if the forks of Monongialo be within the limits of your Proprietor's grant; I have for some time wrote home to have the line run, to have the boundaries properly known, that I may be able to appoint magistrates on the Ohio, (if in this government,) &c."

"In the mean time, that no hindrance may be given to our intended expedition, I think it highly reasonable, if these lands are in your Proprietor's grant, that the settlers thereon should pay the quit-rents to Mr. Penn, and not to his majesty; and therefore, as much as lies in my power, I agree thereto, after the time granted by them by proclamation to be clear of quit-rent, ceases; but surely I am from all hands assured, that Logstown is far to the west of Mr. Penn's grant."

This fort was shortly afterwards taken, and possessed by the French under the name of Fort Du Quesne; and the military grants never fully took place; but divers settlements had from time to time been made under Virginia rights, which in the amicable settlement of the boundary, in and after the revolution, were provided for as follows.

By an act passed April 1st, 1784, (post. chap. 1088,) a certain agreement between the states of Pennsylvania and Virginia, concluded and signed, on the 31st of August, 1779, was recognized and finally ratified, together with the conditions proposed by the state of Virginia, in their resolves of the 23d of June, 1780, as

follows; to wit, "That the line commonly called Mason and Dixon's line, be extended due west, five degrees of longitude to be computed from the river Delaware, for the southern boundary of Pennsylvania, and that a meridian drawn from the western extremity thereof, to the northern limits of the said states respectively, be the western boundary of Pennsylvania, forever, on condition that the private property and rights of all persons, acquired under, founded on, or recognized by, the laws of either country, previous to the date thereof, be saved and confirmed to them, although they should be found to fall within the other, and that in decision of disputes thereon, preference shall be given to the elder, or prior right, which ever of the said states the same shall have been acquired under, such persons paying, within whose boundary their land shall be included, the same purchase or consideration money, which would have been due from them to the state under which they claimed the right, &c. This agreement, and conditions annexed, had been adopted by resolution of the legislature of Pennsylvania, September, 22d, 1780.

Hence has arisen in Pennsylvania, a particular, local, species of land titles, out of the common terms and usages, of the Land Office, and laws respecting it.

To connect the subject, and as much as possible, to avoid confusion in so long a note, the cases decided on this part of the general subject, will be here given.

In Smith's lessee v. Basil Brown, Fayette, May, 1795, before M'Kean, C. J. and Yeates, J. it was held—"That a prior improvement under Pennsylvania, shall prevail against a Virginia certificate, under the compact between the two states. The custom of granting the lands to real improvers, is recognised by our laws. Between claimants under Virginia, the certificate of the commissioners is conclusive, but not where one of the parties claims under Pennsylvania. There can be no doubt, but that on every principle of moral and political obligation, the compact between the two states should be held inviolate. MSS. Reports.

This case will be cited more at large upon another point.

And, in the lessee of Samuel Hyde v. William Torrence, Washington, May, 1799, before Yeates and Smith, Justices. MSS. Reports. The plaintiff claimed the premises under an early improvement made by Thomas Provence, which originated in 1767, and was continued till 1783, without interruption. On the 8th of May, 1782, he conveyed to Aaron Jenkins, in consideration of £200, who released to Joseph Ross, under the yearly rent of 150 bushels of corn; and the tenant afterwards improperly permitted Martin Harden, the son of defendant's landlord, to come into possession on his receiving a bond of indemnification. On the 26th of July, 1783, Jenkins conveyed to the lessee of the plaintiff in consideration of £300, who, on the 24th of November, 1789, obtained a warrant for 200 acres, including Provence's improvement, whereon interest was to commence from the 1st of March, 1770, but got no survey.

The defendant, as tenant to John Harden, claimed under two titles. 1st. An application of John Husk, for 300 acres, on the west side of Monongahela, at the mouth of Big White Lick creek, dated 13th of June, 1769: a deed from Husk to Harden, in consideration of £50, dated 20th of April, 1783; and a survey of 222½ acres, made on the 18th of July following. 2d. A certificate of the Virginia commissioners, "That Edward Arskén is entitled to 400 acres, on Monongahela river, on the mouth of Whitely creek, to include the settlement and improvement whereon Thomas Provence lives, made in 1767, dated 9th February, 1780, which was regularly entered with the surveyor of the county, on the 7th of March following; and a conveyance from Arskén to Harden, dated 20th January, 1783, in consideration of £200.

Evidence was offered to prove, that Arskén was no settler under the Virginia law of 3d May, 1779, "by



making a crop of corn, or residing on the land for one year before the 1st of January, 1778," and that if he asserted himself as such to the commissioners, he was guilty of misrepresentation and gross deception, which would have been examinable by the chancellor of Virginia, either as a fraud or trust. But on the face of the certificate, it would rather appear, that Arskén did not claim under a settlement made by himself, or others for him, but would avail himself of the improvement and settlement made by Providence in 1767.

This was opposed by defendant's counsel, who contended that the certificate was conclusive evidence of the facts which it contains, and cannot be contradicted by any proof consistently with the solemn compact between the two States. It must be considered as the judgment of a court of justice, acting on a subject within its jurisdiction. The laws of Virginia must govern. It must be presumed that the acts of the commissioners were rightfully done, and that they did not exceed their authority. Their duty was to adjust the claims of settlers, and it is absurd to suppose they would give a certificate to any one, without previously determining that he was a settler. If Providence intended to controvert the truth of the certificate, he might have prosecuted his claim by appeal to the general court before the 1st of December, 1780. In no other way could the certificate be impugned. It is admitted that an elder, or prior right under Pennsylvania may be opposed to it, but none such exists here. After the 1st of December, 1780, the certificate could not be controverted in Virginia, by the laws of that State; nor, in Pennsylvania, after the compact. Providence did not prosecute his right before the Virginia commissioners, nor by appeal to the general court, and he cannot set up a title under his improvement begun before the treaty at Fort Stanwix, on the 4th of November, 1768.

By the Court. Is a Virginia certificate undeniable evidence of the facts set forth in it? Or is it competent to a claimant under this State, to examine into the merits of such certificate? This is the mere abstract question, and in the determination thereof, we feel ourselves bound to pay the most sacred regard to the compact between the two States.

We think the point has already been resolved in this court, in *Smith's lessee v. Brown*, "between claimants under Virginia, the certificate of the commissioners is conclusive evidence, but not where one of the parties claims under Pennsylvania." We apprehend this must have been the clear intention of the contracting States. A Pennsylvania claimant is at liberty to show fraud, mistake, or a trust. Suppose a certificate, stating a party to have made a settlement in a particular year, and it could be shown he did not come in from Europe till after the 1st of January, 1778, and that a title under this State did accrue before his arrival; what good reason can be assigned why these facts should not be received in evidence?

The operation of the certificate necessarily must be, that, *prima facie*, the facts contained in it shall be deemed true; but not undeniably so. But it has been said that Providence should have gone before the Virginia commissioners, or have appealed to the general court of that commonwealth. This cannot reasonably be insisted on, as to a person asserting a different jurisdiction! Besides, how does it appear that he had notice of Arskén's application for the certificate, or of its being granted to him? This was *res inter alios acta*, and a judgment affects only parties or privies.

Our opinion on the present point, is confined to the defendant's Virginia title. The plaintiff sets up no claim under Virginia. The plaintiff cannot found his pretensions to the land under the laws or customs of Pennsylvania, by any improvements made thereon before the 4th of November, 1768. But here his settlement has been continued peaceably down until 1783, when he was stripped of possession by a trick practised on his tenant. Opposed merely to the defendant's Virginia

certificate, if there really was no settlement made by Arskén, his improvements and peaceable possessions ought to prevail.

Whether the application of Husk, calls for the land with clearness and precision—whether it has been abandoned, or, the not obtaining a survey thereon, until 1783, can rationally be accounted for, under the circumstances of the country resulting from a conflict of jurisdictions, are matters of fact to be determined by the jury, but thereon the verdict ultimately depends. Verdict for the plaintiff.

In the lessee of Thomas Jones, v. James Park and Benjamin Kinsale, Alleghany, May, 1799, MSS. Reports. The plaintiff claimed under a patent, dated in 1785, and made a regular title under divers mesne conveyances, to 340 acres of land, the subject of controversy.

The defendant held under a certificate granted by the Virginia commissioners to Zadock Wright, on the 18th of February, 1783, stating that he was entitled to 400 acres of land, at the mouth of Montour's run, in Youghiogena county, to include his settlement made in 1772."

A witness proved, that in 1772, Zadock Wright had settled a tract at the mouth of Montour's run, different from the lands in question. That John Westfall had settled another tract three-fourths of a mile above the mouth thereof, and Abel Westfall one other tract below its mouth; and that the title of Zadock Wright's tract, since became vested in Jeremiah Wright. On inspection of a diagram, which represented all the tracts together, it was manifest that the terms of the Virginia certificate called for the lands held by Jeremiah Wright.

It was then offered to prove that the Virginia certificate was intended to protect and secure the improvement of John Westfall, which was objected to, and overruled.

Such testimony would render all property held under titles of this nature insecure. The terms of the written paper must govern, and it is evident that the certificate was intended for the lands now occupied by Jeremiah Wright. Zadock Wright made his settlement there, at the mouth of Montour's run. We are no strangers to the mode of procedure adopted by the Virginia commissioners. They never granted two certificates to the same person, unless he claimed one of the tracts as assignee of some other, and in the case it was uniformly expressed in the certificate. Here it is not so expressed, and the consequence is obvious, that the plaintiff is entitled to recover. Verdict for the plaintiff *instanter*. Same judges.

The different laws of Virginia respecting military land warrants, and rights under the royal proclamation, and the material parts of that proclamation, may be seen in 3 Dallas 425, to 466, in *Sim's lessee v. Irvine*, stated in the special verdict, in the circuit court, and decided in the supreme court of the United States, on an ejectment for Montour's island, in the Ohio river, founded on the right of major Douglass, located in May, 1780, and on which the plaintiff recovered against a patent granted to the defendant by act of September, 1783, and in which those rights, and the construction of the agreement between the two States, came fully to the view of the court. As the case could not be abstracted within a reasonable compass, without mutilating the facts, and being in print, it is here referred to generally. See the royal proclamation at large, dated 7th of October, 1763. Council books, S. p. 427.

The controversy respecting boundary between the provinces of Pennsylvania and Maryland, was of early and long standing. It was not rendered less difficult and tedious, by the situation of the parties; and even after an agreement by the respective proprietaries to adjust their limits, nearly thirty years were passed in expensive litigation, before the controversy could be terminated. The history of this dispute and the records



and papers respecting it, could not be brought within the compass of a note. They would of themselves form a considerable volume. Extracts are, however, here furnished, sufficient to give an understanding of the border titles. In any other point of view than as they affect the landed interest of the country, they have, from the lapse of time, and a settled boundary, become unimportant.

By the charter, Mr. Penn's grant was to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles distance from New Castle northward and westward, unto the beginning of the fortieth degree of northern latitude, and then by a straight line westward, &c.

The lord Baltimore insisted that the whole fortieth degree of north latitude, was included in his charter, which was prior in point of time. Mr. Penn insisted that lord Baltimore was precluded by a recital in his charter, that the land was uncultivated and possessed by barbarians; whereas it was not so, but possessed by Dutch and Swedes; and therefore the king was deceived in his grant. The early part of this controversy, especially respecting the three lower counties, now state of Delaware, may be seen in the beginning of the first volume of the votes of assembly. A principal difficulty was also made concerning the circle of twelve miles to be drawn about New Castle, and the true situation of Cape Henlopen.

In order to bring this dispute, which had been then depending nearly fifty years, an agreement was entered into between Charles lord Baltimore, and John Penn, Thomas Penn and Richard Penn, Esquires, May 10th, 1732, which recited several matters as introductory to the stipulation between the parties, particularly the respective charters; and the title derived from James, duke of York, to the three lower counties by two feoffments, dated 24th of August, 1682. That several controversies had been between the parties concerning the boundaries and limits of the two provinces, and three lower counties. They then make a particular provision for settling them by drawing part of a circle about the town of New Castle, and a line to ascertain the boundaries, &c. and a provision in what manner that circle and line should be run and be drawn; commissioners were to be appointed for that purpose, who were to begin the work in the month of October following, and complete the same on or before the 25th of December, 1733.

In the eleventh section, a clause is inserted, quieting the occupiers and possessors of lands held under the respective proprietaries, on their attorning, and paying arrears of rent, duties, &c. to the said several proprietaries.

November 24th, 1733, the commissioners on both sides reported, that having used their endeavors towards the execution of the articles of agreement, they had respectively broken up, as they differed in running the circle from New Castle; the Pennsylvania commissioners insisting that the circle should begin twelve English statute miles from New Castle; and the Maryland commissioners insisting that the periphery of the circle to be run, should be twelve miles, whose diameter would be somewhat less than four miles from New Castle.

Lord Hardwicke expressed great dissatisfaction with the conduct of the Maryland commissioners, and said they behaved with great chicane in the points they insisted on. 1 Vez. 455, Penn v. lord Baltimore.

May 25th, 1738, the royal order issued, founded on the agreement of the proprietaries of Pennsylvania and Maryland, before the committee of council.

It recites the first royal order made on the 18th of August, 1737, that, "the respective governors should not make grants of any part of the lands in contest, nor permit any person to settle there, or even attempt to

make a settlement, until his majesty's pleasure should be signified.

In the third section of the agreement previous to the royal order of 25th of May, 1738, there is this clause: "All lands in contest between the said proprietors, now possessed, by, or under either of them, shall remain in possession as they now are, although beyond the temporary limits hereinafter mentioned. The respective jurisdictions to continue over such lands until the final boundaries shall be settled, and the tenants of either side not to attorn to each other, nor the respective proprietaries to accept of such attornments."

The king took the report of the committee of council into consideration, and approved of the agreement of the proprietaries, and by the advice of his privy council, ordered the same to be carried into execution.

In the year 1739, the temporary line was run between the two provinces.

A suit in chancery was depending for many years, upon a bill exhibited by the proprietaries of Pennsylvania, against lord Baltimore, to obtain a specific execution of the agreement of 1732, which agreement was decreed to be carried into effect in the year 1750, and after a bill of revivor and supplemental bill, the final agreement between the different proprietaries was executed on the 4th of July, 1760.

This agreement recites the original charters to lord Baltimore and William Penn, and the grants to and from the duke of York, for the three lower counties, and that very long litigations and contests had subsisted from 1683, down to the present time, and many orders in council had been pronounced relative thereto. The agreement of 10th of May, 1732, at full length. That the time being expired for completing the said articles, Charles, lord Baltimore, petitioned the king in council to confirm to him by another charter, the Peninsula granted to Cecilius, lord Baltimore, on the 8th of August, 1734, which was opposed by a counter petition by John, Thomas, and Richard Penn, on the 19th of December, 1734, and upon references and report thereon, the king, on the 16th of May, 1735, ordered the consideration of the report to be adjourned, that Messrs. Penn might proceed in equity. That they petitioned Chancery on the 21st of June 1735. It then recites the proceedings in Chancery, and the decree of the lord Chancellor at large, that the agreement of 1732 should be carried into specific execution. The appointment of commissioners in pursuance of the decree. The death of Charles, lord Baltimore, the proceedings in Chancery, upon a bill of revivor, and supplemental bill, &c. And whereas the parties to these presents (Frederick, lord Baltimore, and Thomas Penn, and Richard Penn,) have come to an amicable agreement in manner as hereinafter mentioned. It then proceeds to describe and make provision for fixing the circle and running the line, &c. Then there is the following proviso, "That nothing therein contained shall extend to the right of any grantee, or those claiming under him to any of the farms or lands in the actual possession and occupation of any tenant or occupier which have been at any time and in any manner heretofore granted by or under the authority of the said Frederick lord Baltimore, or by or under the authority of any of the ancestors of him the said Frederick lord Baltimore; but that it shall and may be lawful to all, and for all and every such tenants and occupiers of the same premises, and every part thereof, their and every of their heirs, executors, administrators, and assigns, from time to time, and at all times hereafter, to hold and enjoy the said farms, lands, tenements, and hereditaments, and every of them, and every part thereof, for and during all and every such, their several and respective estates, terms, and interests in the same, and every of them, and every part thereof, subject nevertheless to and by, and under all and every the same quit rents, reservations and services, to be from henceforth paid, rendered, and performed to the proprietaries of the said province of Pennsylvania, for the time being,



as they the said tenants and occupiers and every of them were liable at the time of, and immediately before the execution of these presents, to have paid, rendered, and performed to the proprietary of the said province of Maryland, any thing herein before contained, to the contrary in any wise notwithstanding."

"Provided also, that it is hereby further declared and agreed, &c. That neither these presents, nor any clause, article or thing whatsoever therein contained, shall extend or be deemed, construed or taken to extend to the right of any grantee or grantees, or those claiming under them, to any the farms, lands, tenements or hereditaments, situate, lying and being on the east side of the river Susquehanna, and within the space or distance of one-quarter of a mile more south than the east and west line mentioned in the sixth article of the said articles of agreement, of the 10th of May, 1732, and which have been at any time, and in any manner heretofore granted by or under the authority of the proprietaries of the said province of Pennsylvania, for the time being, and are now in the actual possession or occupation of all, every, or any of the tenants or occupiers of the said province lands, hereditaments and premises, but that it shall and may be lawful to and for all and every such tenants and occupiers of the said last mentioned lands and premises, and every part thereof, their and every of their heirs, executors, administrators and assigns, from time to time, and at all times hereafter, to hold and enjoy their said farms, lands, tenements and hereditaments, and every of them, and every part thereof, for and during all and every their several and respective estates, terms and interests in the same, and every of them, and every part thereof, subject nevertheless to, by and under all and every the same quit-rents, reservations and services to be from henceforth paid, rendered and performed to the proprietary of the said province of Maryland, for the time being, as they the said tenants and occupiers, and every of them, were liable at the time of, and immediately before the execution of these presents, to have paid and rendered and performed to the proprietaries of the said province of Pennsylvania, and any thing herein before contained to the contrary in anywise notwithstanding."

Mason and Dixon's line was run in the year 1767, and 1768, and the agreement and proceedings thereon were approved and ratified by the king, by his order in council, on the 11th day of January, 1769, and the proclamations of the respective proprietaries, to quiet the settlers, &c. were issued in 1774, that of Pennsylvania, bears date the 15th of September, 1774: council Books, U, page 466.

The agreement of 1760, was inrolled in chancery, in England. The original is now deposited with the secretary of the commonwealth.

This original agreement was produced in evidence at Bedford, October, 1806, on the trial of Ross' lessee, *v.* Cutshall, reported in 1 Binney, 399, and admitted after argument, and decided to be proper evidence by the supreme court, on an appeal, because it was an ancient deed, ascertaining the boundaries of the then provinces of Pennsylvania and Maryland, and may be considered in the light of a state paper, well known to the courts of justice, and which had been admitted in evidence on former occasions.

(To be continued.)

From the Muncy Telegraph.

#### FOURTH EXHIBITION OF THE UNION AGRICULTURAL SOCIETY.

On Tuesday, the 29th ult., *The Union Agricultural Society* held its Fourth Annual Exhibition at Danville, Columbia county. The court room was occupied as the place of exhibition of Domestic Manufactures, and a lot adjacent to the village for the show of Live Stock. After the Constitution had been read, an opportunity

was given the many spectators in attendance, to examine the articles offered for exhibition; the committees then proceeded to the discharge of their respective duties. A close and impartial examination of the articles before them was made by the committees and the following award reported:

Mr. Wolverton, for his stallion, Sanspareil,	\$5 00
Mr. Willets, for his stallion colt, Tartar,	2 00
Mr. Carr, for the best breeding mare,	3 00

[The committee on horses reported, that of those exhibited on this occasion, there was none of such form, size, and action, as to entitle them to particular notice.]

Maj. William A. Petrikin, for his full-blood Durham Bull, Don Diego,	\$7 00
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[This truly noble animal was considered by the committee worthy of a much larger premium, had the state of the society's fund been prosperous enough to warrant the payment of adequate rewards. He is of the stock imported by Col. Powell, of Philadelphia county, and is half-brother to the Bull purchased by Mr. Clay, last fall.]

Caspar Hartman, for a half-blood Durham Bull, (sired by Don Diego,)	\$2 00
Ephraim M'Collum, for a Cow and Calf	1 00
Alexander Fraser, for the best flock of sheep	3 00
do. do. for best specimen of ploughing	3 00
Orrin Sholes, for a Sideboard of superior workmanship and finish	2 00
J. B. Hall & Co. for a very handsome and convenient Cooking Stove, cast and finished at their establishment in Williamsport	5 00

[The same gentleman also exhibited a plough which appeared to be a valuable addition to the implements of agriculture, and would have entitled them to a premium, had the funds of the society permitted.]

Joseph Crosley, of Danville, for a Shovel and Tongs, of neat and substantial make, and good polish	\$1 50
Mrs. Tweed, of Milton, for a pair of Silk Stockings	5 00

[This beautiful testimonial of female industry and skill was wrought by Mrs. T. from material furnished by her own silkworms. They attracted general attention, and elicited expressions of admiration from all who examined them.]

William Dale, for Blankets	\$1 00
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[The same gentleman also exhibited a specimen of excellent Cheese from his own dairy.]

Mrs. S. W. Humphreys, for a Hearth Rug	\$2 00
Martin M'Alister, of Danville, for a Beaver Hat, of first material and elegant finish	2 00
Messrs. W. & R. Wilson, of Milton, for a set of Gig Harness, of the best material, and of superior workmanship,	2 00
Moore & Stuart, of Danville, for a Coal and Wood Franklin Stove,	3 00

[This Stove was much admired, as well for its convenient construction as for the tasteful style of its ornaments.]

B. W. Hyde, for specimens of Painting in imitation of Mahogany, Maple, Oak, &c.	\$2 00
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[These imitations were so well done as to deceive many persons who examined them closely.]

Millard & Hunlock, for mixed Sattinet	\$1 00
do. do. for black Broad Cloth	2 00
do. do. for blue do. do.	2 00
R. M'Cormick, for Carpeting	2 00
Miss Margaret Rogers, of Muncy, for a beautiful specimen of embroidery on satin,	1 00



Montgomery & Wagoner, for a piece of 7-8	
Brown Cloth, fine and well manufactured,	1 00
do. do. for blanketing,	1 50
Mr. Miller, of Danville, for a Rifle, of hand-	
some workmanship, and ingeniously made	
to shoot two loads out of the same barrel,	2 00

As deserving of notice, the committee mention several remarkable productions of the past season, among which are the following. A number of very fine Carrots; Onions of a large size, raised from the seed by Mr. Matchem, of Danville; a specimen of Barley, by Mr. Gale; a Beet weighing 14½ lbs. by Mr. Donaldson; a Cabbage weighing 25 lbs.; and a specimen of a new sort of potatoes recently introduced from Miami, Ohio, by Col. Paxton, of Cattawissa.

The following gentlemen were chosen officers of the society for the ensuing year:

President—CHARLES GALE.  
 Vice President—WILLIAM HAYES.  
 Secretary—WILLIAM A. PETRIKIN.  
 Assistant Secretary—JOSEPH PAXTON.  
 Treasurer—WILLIAM TWEED.

☞ Milton was chosen for the place of holding the next Exhibition.

### THE BAPTIST CHURCH.

The Philadelphia Baptist Association, held its 126th Anniversary, at the First Baptist Church, Spruce street, on the four first days of October. The Rev. Joseph H. Kennard, was chosen moderator the Rev. Levi Tucker, clerk, and the Rev. D. A. Nicholas, assistant clerk. The introductory sermon was delivered by the Rev. T. S. Jenkins. From the published minutes of the proceedings of the body during the session, we condense the following table, showing the number of Churches attached to the Association, the names of their respective pastors, the number baptized during the past year, and the total number of members.

Churches.	Pastors.	Bap. Total.
Great Valley,	Rev. L. Fletcher,	300
Brandywine,		27 65
Montgomery,	T. J. Robinson,	16 96
Kingwood,	W. Curtis,	
Southampton,	Jas. B. Bowen,	12 161
First Church, Philad.	G. B. Perry,	28 209
New Britain,	Jos. Matthias,	14 111
Hilltown,	Jos. Matthias,	5 113
Marcus Hook,	J. Walker,	11 56
Roxborough,	D. S. Nicholas,	109 224
Second Church, Philada.	T. J. Kitts,	29 431
Blockley,	L. Tucker,	37 210
Lower Merion,	H. G. Jones,	33
Third Church, Philada.	Wm. E. Ashton,	62 294
First African, Philada.	Jas. Barries,	10 66
L. Providence,	J. S. Jenkins,	15 76
New Market st. Philada.	J. H. Kennard,	133 444
Fifth Church, Philada.	J. L. Dagg,	55 440
Goshen,	S. Siegfried,	11 48
Bethesda,	A. Collins,	15 29
African Blockley,	L. Stockley,	1 27
Central Church, Philada.		3 28
Ridley,	R. Compton,	4 31
Stroudsburg,	J. P. Thompson,	8 50
Union African, Philada.	Daniel Scott,	19 46
N. Seventh st. Philada.		1 51
Glen Run,	E. M. Philipps,	51 74
Newtown,	R. Gardiner,	12 29
Minersville,	Wm. Owen,	18

The next anniversary of the Association, will be held in the Baptist Church in Lower Merion, on the first Tuesday in October, 1834. The Rev. Jos. Matthias was appointed to preach the introductory sermon. During the meetings of the Association \$132 13 were collected for Missionary purposes.—U. S. Gazette.

### STATEMENT OF THE FARMERS' BANK OF READING, NOV. 5, 1833.

Amount of Stock paid in,	\$300,360 00
Contingent fund,	20,893 26
Amount of notes in circulation,	268,412 00
Due other Banks,	6,258 08
Dividends unpaid,	19,347 43
Due Commonwealth, (tax,)	1,239 78
Due Deposits,	132,430 94
	<hr/> \$748,941 49

Amount of bills discounted,	\$496,247 93
Bonds and Mortgages,	26,830 06
Real Estate,	7,896 11
Bank Stock, original cost, 106,644,	83,206 00
Due from other Banks,	29,720 44
Notes of other Banks,	10,950 00
Specie,	94,010 95
	<hr/> \$748,941 49

Berks' Journal.

From the Philadelphia Gazette.

### PROCEEDINGS OF COUNCILS.

Thursday evening, Nov. 14, 1833.

#### SELECT COUNCIL.

In the absence of the President, Mr. Groves was called to the chair.

The Chair presented a communication from the Trustees of Girard College, informing Councils that Mr. John Steele, late a member of the Board, has removed his residence from the city. Laid on the table.

Mr. Meredith, presented a petition from sundry citizens, praying Councils to provide a suitable place for the reception of lost children, to be constantly attended by a suitable agent. Referred to a special committee, consisting of Messrs. Meredith and Price of the Select, and Messrs. White, and Darragh of the Common Council.

Mr. Worrell from the committee on Franklin and Scott's Legacies, to whom was referred the petition of Thomas McGrath, praying for the release of Richard G. Lanning, one of his sureties for money obtained from the Franklin Legacy Fund, and the substitution of Frantz G. Cope, Esq. reported in favour of the petition. Resolution adopted.

Mr. Price from the special committee, to whom the subject had been referred, made report on the expediency of consolidating the joint standing committees of Councils, accompanied with two ordinances, entitled—"An Ordinance providing for the appointment of joint Standing Committees, and "A further ordinance for the management of the Girard Estates, and the Girard College."

The Chair, read a bill entitled "An ordinance for the improvement of Franklin square, providing for the erection of a substantial iron fence round said square, and appropriating the sum of \$12,000 for the purpose. Laid on the table.

#### COMMON COUNCIL.

The Chair presented a communication from James Hutchinson, President of the Board of Prison Inspectors, informing Councils of the resignation of Dr. R. M. Huston, as an Inspector of Prisons.

Mr. Kirk presented a petition praying that Ashton street, from Market to South, be graded and paved. Referred to Paving Committee.

Mr. Gilder presented a petition praying for the paving of Pine street from Broad to Schuylkill Front street. Referred to Paving Committee.

Mr. Chandler presented a petition from Mary Magee



widow of Michael Magee, who died from wounds received by a late accident in the Girard College, praying that Councils will take some measures for her support. Referred to Building Committee of Girard College.

Mr. Chandler presented a communication from the Washington Monument committee, informing Councils that they had agreed upon, and adopted a plan for the Washington Monument, and asking the concurrence of Councils. The communication was referred to the committee on Washington Square, with directions to make report for the action of Councils.

Mr. Toland from the committee on accounts, reported that they had examined the accounts of the City Treasury, as submitted to them at the last meeting of Councils, and find the same correct.

On motion of Mr. Chandler, a joint committee of three members from each Council was appointed to superintend the distribution of wood to the poor, as devised by sundry bequests to the city. Committee of Common Council, Messrs. Chandler, Yarnall, and Warner. Committee of Select Council, Messrs. Wetherill, Worrell, and Price.

Mr. Yarnall from the committee on markets, to whom the subject had been referred, reported in favor of the extension of the market house in High street, from Delaware Eighth to Tenth streets. Resolution laid on the table.

The Ordinance providing for establishing a Preventive System of Police, on motion of Dr. Huston, was referred again to the committee, with instructions to inquire into what particulars the expense of carrying said system into operation may be reduced, without injury to its essential advantages.

The Ordinance entitled "A supplement to an Ordinance providing for the management of the Wills' Hospital, was taken up, amended and adopted.

Councils met in joint meeting, for the purpose of electing a member of the Board of Prison Inspectors, to supply the vacancy occasioned by the resignation of Dr. Huston. Sansom Perot, Esq. was chosen on the first ballot.

From Poulson's American Daily Advertiser.

#### JUSTICES OF THE PEACE, &c.

The Philadelphia Society for Alleviating the Miseries of Public Prisons, have had occasion to lament the irregularities which sometimes take place in the commitment of prisoners. Justices of the Peace, in the exercise of this highly important part of their jurisdiction, are apt, inadvertently, to overlook the course of proceeding which ought to be pursued by them. Prisoners are often sent to gaol, without having their offences stated in the warrant of commitment, without having the time of their confinement specified, where it ought to be fixed, or without stating that the object is for trial before the court having jurisdiction of the crime. Evils hence are produced which unnecessarily aggravate the penalty of imprisonment. Not only is the period of confinement rendered vague, where by law it should be fixed and certain, but it is made to depend in a degree on the will of the magistrate. The evils alluded to have been greatly relieved by the benevolent attention of the Court of Quarter Sessions to the subject. During the last summer, a list of prisoners was examined every Wednesday, and such as had been improperly committed were promptly discharged. These discharges have amounted to as many as sixty-three in a day. The Prison Society, considering the object entirely within the scope of their association, resolved to place before the magistrates a brief exposition of the law connected with this important matter. They therefore procured the opinion of their counsel, which is published below. The suggestion of an application to the Presiding Judges of the Criminal Courts has been

adopted, and Judge King, with his usual promptness and intelligence, at once introduced into his charge to the grand jury, remarks and explanations instructive to the magistrates, and calculated to prevent a continuance in the practice which was complained of.

Justices of the Peace and Aldermen possess an extensive, but a limited jurisdiction. The nature of their authority is fixed by established principles, and does not depend upon their own discretion. Their office is an important one, and the duties which it prescribes are such as deeply concern the public. As there is no limit to the number of Justices, they are often multiplied to a degree which renders it improbable that all of them should possess unerring judgments, or extensive knowledge. Sir Edward Coke remarks that it is an office of which "the whole Christian World hath not the like, *if it be duly exercised*." The due exercise of the office, consists in a conformity to the plain principles of the law, and to well understood and approved usage. It would be contrary to both, for them to commit an individual to prison, or place him under any restraint whatever, unless he is charged with a specific offence, or unless there is reason to suppose that he is about to break the peace. In the former case, they either commit him for trial, or (if the offence be within their own cognizance as respects both the infliction of punishment, and the preliminary hearing) they judge of his guilt, and pass upon him the sentence of condemnation which is in such cases provided by statute. In the latter case, they exercise the power of preventive justice, which they enjoy as conservators of the peace, by compelling him to give security; and in the absence of such security, and for the want of it merely, they commit him to prison. Except in these instances, they have no right to deprive any one of his liberty. When they exercise this power, it is done by means of a *commitment*, in which the offence ought to be stated with reasonable precision, or the commitment is irregular.

A warrant of arrest, which for the most part precedes the commitment, cannot agreeably to the constitution be issued, without "probable cause supported by oath or affirmation." This "probable cause" is some act which has been done or is apprehended, and it must thus exist and be stated in order to authorize the warrant. How then should the commitment, to which the warrant is only preliminary, omit the "probable cause," or in other words, the *offence* which has occasioned it? If the commitment be vague or indelcriptive of the crime, the keeper of the prison could not return an adequate reason for the detention, in case a *habeas corpus* should be issued by a judge; neither could the judge himself determine whether the matter was within the jurisdiction of the magistrate. Dalton (page 552) states that "The Justices of the Peace which shall send any prisoner to the goal, ought to show in their mittimus the cause of the commitment, to the end it may appear whether such prisoner be bailable or no." It is thus clear, for various reasons, not less than from established law, that the cause for the commitment should distinctly appear upon the face of it.

It may sometimes happen that the justice cannot complete the examination at the return of a warrant, and then he may direct the party to be detained in custody until another opportunity. But the period of such detention must be reasonable. It was decided in one case (*Scavage vs. Tatelam*, Cro. Eliz. 829,) that the time of the detainer ought not to exceed three days. This, however, might be governed by circumstances.

Where a person is charged with an indictable offence, the magistrate, if he commit at all, must (except in the case just alluded to of a postponed hearing) commit *for trial*. In other cases he must commit for a *specific time*. These other cases are such as the law has placed either entirely within his own discretion, (as for "profane swearing," "drunkenness," and "breach of the Lord's day," where he inflicts a fine, and if necessary sends



the offender to prison,) or where he judges of the offence subject to an appeal to a higher tribunal, as in cases of vagrancy. He there commits for a specific time not exceeding one month; and if the parties conceive themselves aggrieved, their only legal remedy is an appeal to the next Court of Quarter Sessions.

The duty of a Justice of the Peace, when the accused person is brought before him, is stated with entire clearness by Lord Hale. (Vol. 1. p. 583.) "Lastly, what is to be done after the warrant served, and when the person accused is brought before the justice thereupon?"

"If there be no cause to commit him found by the justice on examination of the fact, he may discharge him.

"If the case be bailable, he may bail him.

"If he have no bail, or the case appears not to be bailable, he must commit him.

"And being either bailed or committed, he is not to be discharged till he be convicted or acquitted, or delivered by proclamation."

In the case of a commitment for trial, (as well as that for vagrancy,) it thus appears that the duty of the Magistrate is ended when he has committed the person to gaol. He has nothing more to do with him. If he has erred in a commitment for trial, the error may be corrected by a judge on *habeas corpus*, and the prisoner may be discharged or bailed. If he has erred in the sentence of a vagrant, it may be corrected by the Court of Quarter Sessions. But in neither case can the examination be made over again by the Magistrate himself. He has a right to settle cases of assault and battery, even after a binding over to appear at Court. But this is by a special act of Assembly. A similar power being withheld as to all other offences, it is not to be gathered by implication, and it cannot be asserted without an usurpation on the part of the Magistrate of authority which is wisely, and to the fullest extent, lodged elsewhere.

A departure from any of the principles which have here been stated, is an illegal act, and if injury be the consequence, it is within the reach of redress. If the wrong be an individual one, an action for damages may be sustained. If it be of a public character, the Magistrate may be indicted, or impeached before the Senate, or removed on the address of both houses of the Legislature. It is scarcely to be supposed, however, that errors would be persevered in, if they were clearly and authoritatively pointed out. If the presiding Judge of the Court of Quarter Sessions, and the Recorder of the city, would make these principles the topics of occasional remark in their charges to the Grand Jury, there can be no doubt the evils could be prevented from arising, or if already practised, they could be corrected.

J. R. INGERSOLL.

GEO. M. WHARTON.

September 9, 1833.

### DICKINSON'S COLLEGE.

At a late meeting of the Board of Trustees of Dickinson College, it was resolved, That the following plan be adopted in the College proper. It is deemed expedient that there be seven Professorships.

1st. Embraces Intellectual and Moral Philosophy—Evidences of Natural and Revealed Religion and Political Economy.

2d. Exact Sciences,—Embracing all the branches of pure Mathematics, including Astronomy, and such subjects in Natural Philosophy, as depend directly upon these.

3d. Natural Sciences,—Comprehending Natural Philosophy, Chemistry, Mineralogy, Meteorology, Geology, Botany, Animals and Vegetable Physiology.

4th. Ancient Languages.—The Latin and Greek—Roman and Grecian Antiquities.

5th. Belles Letters—Embracing Rhetoric, Elocu-

tion, Composition, and Declamation—to which is to be added Philosophical, Critical, and Classical Illustrations of the English language, and literature. It is intended that this shall be a prominent and efficient department.

6th. Modern Languages—French, German, Spanish, and Italian. The studies of this department will be optional to the student or his parents—it is intended to meet the demands of the age, and enable the institution to offer every facility to a complete education.

7th. Law Professorship—This department is to be under the entire control of the Hon. Judge Reed, and it is expected to open the ensuing spring. There will be a class proper, intended for the practice of the law. Judge Reed will deliver a regular course of lectures on the general principles of law, and on international law; and on constitutions of governments, particularly our own.

The students in college, at proper stages in their studies, will attend these important lectures.

It should be generally understood by the public, that the College proper is not to be re-organized until the sum of \$45,000 is secured, as an endowment for the professorships. The College will then be opened with an efficient faculty. The principal and two of the professors have already been elected, Rev. John P. Durbin, Principal, Dr. Harrison, Professor of Languages, and Col. Sudler, Professor of Mathematics. The other professors will be appointed, and take their places as soon as the classes require it, or the funds warrant the appointments.

The trustees, friends, and patrons of this new enterprise, in behalf of Dickinson College, are deeply sensible of two things. First that the college course should be elevated and extensive, in order to meet the improving condition of the country; they have therefore indicated the course of study which they propose to establish. Second. But they are also satisfied of the impossibility of carrying out this plan, without extensive and permanent funds. The plan of studies is developed for the satisfaction of the public; they now look to the liberality of the community to enable them to carry this noble plan into execution, which they earnestly desire to do next spring. They have hopes of succeeding as a good subscription has already been obtained by the Rev. S. G. Roszel, (agent of the Baltimore conference,) chiefly in the region of country around Carlisle; this has been raised within a short time to about \$10,000, notwithstanding the indisposition of the agent. Nothing, we are persuaded, is wanting, but the immediate co-operation of the friends of the institution.

As preparatory to this great result, the Trustees have directed the buildings and grounds to be improved and put in thorough repair immediately.

The preparatory or grammar school is now in successful operation, on the following plan. It is expected that the pupils for admission into this department, shall have a good moral character, and that they be able to spell and read the English language correctly and intelligibly, and understand the first principles of Arithmetic and English Grammar. When admitted, they shall be taught the Latin Grammar; Adams's, by Gould; Walker's Latin Reader; Jacobs's Latin Reader; Cæsar's Commentaries; Virgil; Mair's Introduction to the speaking of Latin; Cicero's Orations against Catiline, the Greek Grammar; Fisk's or Goodrich's Greek Reader, and the New Testament; the elements of plain and solid Geometry; the higher branches of Arithmetic, and Algebra to the end of the Quadratures; Ancient and Modern Geography; Writing; English Composition, &c. The present teacher, (Mr. Dobb,) is well qualified for the situation he now occupies.

It is intended that the principal, in this department, shall be an accomplished scholar and teacher, so as to make it an elevated and efficient academy.

By order of the Board.

Printed by Wm. F. Geddes, No. 9, Library street.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOI. XIII.—NO. 22. PHILADELPHIA, NOVEMBER 30, 1833. NO. 308

## SCOTT'S ADDRESS BEFORE THE LAW ACADEMY OF PHILADELPHIA.

An Address delivered to the Law Academy of Philadelphia, at the opening of the session, in September, 1833, by John M. Scott, one of the Vice-Provosts of the Academy.

Gentlemen of the Law Academy:

It is your request that the exercises of the session may be opened by an address from the Chair. The paternal character of the intercourse between the members of this institution and the officers who are selected to preside over its discussions, makes a compliance with your wish a source of pleasure to him on whom the duty devolves. Your own pursuit and intended career in life, shall form his theme.

The object of each member of this academy is to superadd to *its* honors those of the Bar: to assume when he lays down the mantle of the academy, the forensic gown; to attain membership—to be received as a brother of the Bar of Pennsylvania—of the Bar of the United States—to obtain the patent which shall authorise him to proclaim himself the asserter of their rights—the avenger of their wrongs—the protector of their estates—the defender of their fame, to the free citizens of the freest nation upon earth—a patent far surpassing in real nobility, those, of which the emblems are ribbands and tinsel, the origin, the breath of princes,—the cause, too often, subserviency to their will. The hope of you all, the destiny of some, is, to attain the highest excellence in this noble pursuit—to reach

“The steep where fame's proud temple shines afar.”

It is an animating hope, a brilliant destiny—worthy of the young, the ardent, the aspiring spirits, whom I address. The portals of this temple, Gentlemen, are open to all; in this land of equal institutions, to all who have courage to dare, and perseverance to accomplish the ascent. There is here no hereditary right to excellence—no exclusive ancestral claim to honors. Each individual may and must be the architect of his own fortunes. Be not however deceived: do not suppose the path you are to travel is strewn with flowers, and redolent of sweets—it is rough, precipitous, arduous: and when surmounted, its termination beholds the votary not effeminated by ease, but braced by toil, and hardened into vigorous manhood.

Reflect a moment upon the dignity and character of this profession: upon the duties it imposes towards society—upon the stations it may call upon you to occupy, and you can then better estimate the nature and degree of preparation requisite to the attainment of success.

Your profession—for yours, and that of each of you, I trust it will be—yields in the respectability it confers, and in its influence upon society, to none but the ministry of the altar. Pursued by an upright and honorable mind, it frowns upon crime—it spurns at baseness—it abhors fraud—it advocates pure morality—it upholds truth—it illustrates virtue. In the grasp of an unworthy intellect or a depraved heart, it becomes the instrument of oppression—the pander of vice—the patron and partaker of crime: and while it preys upon others,

becomes itself the victim of the satirist's scourge, a mark of obloquy and scorn.

Gentlemen—there are attributes almost of holiness belonging to this profession. Men repose upon you with unwavering confidence—they stake their fortunes upon your counsel—they entrust to you, their estates and those of their descendants—they put their fame into your keeping, the precious treasure of their reputation—they submit to you their private griefs,—their domestic secrets—they open to you the inmost recesses of their bosoms, and with a sincerity suited to the confessional itself, admit you to a knowledge of all that passes within that region of storm and passion, of weakness and of folly, of blighted hope, of wild ambition—the heart of man. All this they do, and ask for *your* aid, *your* counsel, *your* sympathy, for *your* discrimination between right and wrong, for *your* guidance of *their* bewildered course. They throw themselves unreservedly upon you, and take the colour of their future fate from your hands. It is a splendid confidence which is reposed—a profound responsibility that is thus created. The advice given may preserve integrity of character—domestic peace—moral worth—or make utter shipwreck of them all.

These influences and these responsibilities pertain to almost every member of the profession, however humble the sphere of his action—however modest his pretensions. There are, moreover, towering pinnacles reached by few—elevated platforms for chosen spirits—alpine heights, perilous of ascent, rich in reward. It can happen but to few, to be called to the defence of a royal female—to stand like the talented Brougham, between the rejected consort of a king, and the anger of the throne, and the vituperations of a powerful aristocracy—to assert with fearless independence the cause of the prostrate princess upon an arena, surrounded by the nations of the civilized world as spectators of the contest. To you, this can never happen. You have to be grateful that your lot is cast in a land, where kings and queens and powerful aristocracies are known but as the pageants of history—as shadows which once overcast the land, but have been long since dispersed by the light of freedom. But your own country at this moment furnishes the spectacle, far more impressive, of a nation—a whole people—humble it is true—but still a whole people—a part of the original lords and native proprietors of the soil—primitive occupants of its magnificent forests—the first navigators of its bold streams—of a whole people maintaining their right to the homes of their ancestors, to their dwelling places in the wilderness, against a young and powerful and vigorous race, which has sprung up amidst and around them, and choked the springs of their prosperity—and calling to their aid, and selecting as the champion of their rights and the arbiter of their destinies, a member of your elevated profession. This too is an event which is not of probable recurrence. But what other questions of as great interest may occur in this republic, it is impossible to foretell. Our situation is peculiar, and is daily creating subjects of contest which agitate the nation, and exercise the talents of the profession in our legislative halls, or in the national judicial forum—questions which involve the stability of our government—the ultimate destinies of this people. How they may



multiply as these united sovereignties shall multiply, as this vast continent shall double and redouble its population, and this nation shall extend wider and wider the limits of civilization, no eye less than prophetic can foresee. You may be called upon to bear a part in these discussions—prepare for the task: if you attain the ability, there is little doubt the occasion will arise to call your powers into action. Here the knowledge and acquirements of the statesman are as much a part of your profession, as is an acquaintance with the rules of property. It is not intended by this remark to arrogate an *exclusive* claim—a claim which would be false in principle, and repelled by historic truth, but simply to intimate that among your body the country has a right to look for a portion of those who are to guide her counsels, and controul her destinies.

There are however stations in this government which should be occupied by you alone: stations of great magnitude and infinite responsibility—the judgment seats of the land. You may be called upon to fill the posts which have been illustrated by the talents of a Marshall—a Tilghman—a Washington; to sit in judgment upon property and upon life—to decide those great constitutional questions which are still to be elicited from the jarring elements of our confederacy, and by your decisions to allay or exacerbate intestine tumult. You ought to anticipate such a destiny as is natural and probable; and should be prepared to discharge the duties it involves with ability, with fidelity and with honor. And if, Gentlemen, you are to occupy these stations, how accurate and profound should be your legal acquirements—how calm and subdued your passions—how patient and investigating your habits—how stern and incorruptible your integrity—how urbane and conciliating your deportment! All these, and more than these qualities are indispensable to the character of a Judge who is worthy of the ermine: and it cannot be doubted that high as is now the standard of excellence which an occupant of the bench is required to attain, it will become with the progress of time more and more elevated—and the rewards for judicial services be so far increased, as to render these seats worthy the aim of honorable ambition, and their acceptance consistent with a proper regard to individual prosperity.

Gentlemen—whether your future career shall be that of the advocate, the statesman, or the Judge, you owe it to your profession to signalize that career, if not by the exhibition of brilliant talents, at least by undeviating uprightness of conduct, and strict abstinence from every thing which can engender reproach. Conspicuous to public view, the conduct of a professional man is peculiarly exposed to public criticism—and his errors obnoxious to public censure. Jealousy of supposed pre-eminence, quickens perception of his faults, and adds bitterness to reproach. The follies or crimes of the individual are seized upon with eagerness as characteristic of his class, and made to reflect disgrace upon all who are embarked in the same pursuit. Our profession has suffered deeply from the unworthiness of individuals who have worn its garb without adopting its principles.

#### Hoc fonte derivata clades.

In the drama, and in the productions of the novelist it has long stood forth in most unenviable relief; and in the affections of men it is to be feared its rank is not high. In this state, we know, it has at times been the target of obloquy and the victim of injustice. He, of our body, who commits a wrong, is responsible not only to the injured individual, but is morally amenable to all his brethren. His conduct obscures the medium through which theirs is viewed—and presents them in distorted shapes and unnatural colors to the public gaze. From you, gentlemen, and from each of you, the profession anticipates an increase of respectability, and an additional portion of general regard. It hopes from you, reared amidst a bar which presents many exam-

ples of unblemished purity, a powerful aid in supporting the rank to which it is entitled in the public esteem.

But, what is to be the preparation, what the discipline, what the training, which is to fit the youthful spirit for the career which has been referred to? Be assured the task you have assumed is not easy; the labor is not light. It demands from you unceasing industry, untiring vigilance: not only during your period of probation, but after you shall have been admitted within the pale. The foundations of success should be laid in early life in a liberal education: and though there may be in your ranks, honored members, worthy of all praise, who have not possessed this advantage, it is pressed without hesitation, because the deficiency may still be supplied by their own exertions. There is certainly no part of these United States in which access is more easy to all the means of education, than in this city. Accomplished professors abound in every branch—public lectures are delivered in every science—libraries are offered to the studious, adapted to all tastes—admirable collections of philosophical and mathematical apparatus exist—museums in every department of natural science are established—refined society may be enjoyed of every European tongue; and for the intervals of recreation and of leisure, abundant enjoyments are provided, intellectual in their character and promotive of good taste. All these accessories to the main design are attainable at a moderate expense: and, using them well, what may not a fresh and vigorous intellect accomplish in that green and bright and glorious period of existence which precedes the full maturity of manhood.

It has been the fashion of late years to decry classical learning, and a knowledge of the ancient languages, as unnecessary in a country like ours, where active exertion and laborious effort are the lot of all—where forests are to be subdued, wildernesses to be cultivated, communities to be created, nations to be formed; where every thing is energetic, and where amid the general bustle and universal commotion of the scene, there is no resting place for the literary idler,

“*patula recubans sub tegmine fagi.*”

This has been the fashion, and it has been ably and successfully denounced by scholars of whom this city has reason to be proud. The argument will not be resumed here. But as connected with your profession, be assured, Gentlemen, that an accurate acquaintance with the dead languages will be prized by those who possess it as immediately subsidiary to professional success, and an entire deficiency will be deplored as an inconvenient obstacle, and be felt as a source of pain. That the finest specimens of eloquence are to be found in those languages is not denied—that the Latin is the original language of our science, and still embodies many of its apothegms, and retains possession of its technical terms is equally true: and derivatives both from it and the Greek are so interwoven with our own tongue, that it may be safely affirmed, *that* tongue cannot be as thoroughly understood, its beauties as fully appreciated, its shades and distinctions as thoroughly comprehended as they should be by a public speaker, without a knowledge of these, the sources, from which it has drawn so largely. Let those therefore who possess these advantages, be studious to retain them by frequent recurrence to their collegiate pursuits—and where the acquisition is still to be made, let it be attempted with zeal and assiduity, and the attempt will not be unavailing.

To refer except in very general terms to the course of your legal studies, would be an improper intrusion upon the duties, faithfully and ably discharged, of the gentlemen of the profession, whose aid you have individually invoked. I may however be permitted to remark, without being obnoxious to the charge of indelicacy, that in Pennsylvania, and I believe in all the states of our Union, a member of the bar is presumed



to be competent to every branch of the profession. His studies must radiate into all its departments. It is our peculiar privilege to be at liberty to avail ourselves of whatever is excellent wheresoever it may be found. We are gradually constructing a system for ourselves—adapted to our own country—to our own frame of civil polity—suited to our own wants and to our state of society: we are therefore at liberty to adopt, and we do from time to time adopt salutary principles from all codes. To an American student therefore all codes and all systems are objects of study, as fountains of light and sources of argument. His daily practice demands from him a knowledge of common law and equity—of ecclesiastical and maritime law—of commercial law and the law of nations—as the statutes of his own country local and national, and of those of the people from whom our origin is derived. This field would seem to be in itself wide enough for the researches of the most enamored explorer of legal science. But your task is still greater. You are to superadd to the skill of the conveyancer and the acuteness of the pleader, and the sagacity of counsel, the information and ingenuity of the advocate. You are to discuss all topics—to range through all sciences—to speak familiarly of all arts—to address all classes of men—to rouse and to allay all passions—to excite hope—to create fear—to touch all the springs of the human heart, and make them subservient to your designs. All this falls within the scope of your profession. Hence there is no species of information, the acquisition of which can be deemed unimportant—no art, no trade, no science to be considered foreign to your pursuit. From every source which may be open to you, learn all you can; from the formation of the pin which contributes to the adornment of a lady's person, to the management of the mighty power which the genius of our Fulton has taught to 'annihilate space and time'—from the habits of the household fly to those of the splendid bird which wings its flight against the sun—from the modest violet, which with its drooping head and early perfume solicits the admiration of childhood's innocence, to the never dying oak, which under the plastic hand of the builder is converted into our nation's bulwark and her glory. Believe no subject too abstruse—none too simple to be moulded to your purposes: The perjury of a witness has been detected by the pleader's acquaintance with the natural history of a fruit: we have all seen juries listen with delight to illustrations of complicated machinery, flowing from the lips of a distinguished advocate as though he had been himself the master spirit of the combinations he described.

Seek unremittingly to acquire historical knowledge. Of the history of your own country and of that from whose shores your forefathers came, pilgrims to a new world, it would be shame to be ignorant. Unacquainted with them, the charter of your rights, the constitutions of the Union, and of the individual states, would be almost sealed letters: their spirit could not be appreciated—nor their wise precautions understood. They were framed by men conversant with the evils of oppressive government: who knew from the lessons of history the devices which power will invent to destroy freedom, and the engines it will employ to break down resistance and punish contumacy. To be thoroughly understood they must be studied by minds imbued with the same knowledge, and prepared by the same discipline.

Become familiar with ancient history as an inexhaustible fund of delight, and a means of salutary instruction from the past to the future: and with modern, as a part and parcel of your own existence. Substitute for the seducing romance of fiction, the equally fascinating romance of history, and if you demand excitement and crave to have your imagination roused, go to the wars of the Moor and the Spaniard, to the fields of Granada and the banks of the Gaudalquivir—follow the armies of Europe until the Christian sabre, and scimitar of the

Saracen, meet in conflict for the Holy Land—trace the early glories of Venice and Genoa, and mourn for their decline—shudder at the religious wars of France, and weep with her suffering protestants—lament for the fate of the Scottish Queen, and be indignant with her hard and sterile rival—pursue the wanderings of the Russian Czar from the workshop of the English artisan, to the foundation of his mighty Northern Capital—start on his meteor course with the artillerist of Toulon, and follow him an emperor, and the world's wonder, to his humble grave on the rock of St. Helena—turn to any page of historic truth, and you will find more to captivate your fancy, and interest your heart, than all the ingenuity of fiction can supply.

Pay your devotions too, at the shrine of the muses. Enrich your fancy and improve your taste by familiarity with the standard poets of at least your own language—with that ancient race whose rich imagery and musical numbers form the attractive dress of manly sense, of natural feeling, of pure ethics, of legitimate satire—with Milton and with Young—with Pope—with Goldsmith, and with Cowper. But waste not your strength—corrupt not your hearts, with the effeminacies of Moore, and licentious impurities of Byron. Let your intellectual exercises like those of the body be wholesome and vigorous, such as to fit you to become a blessing instead of a curse to that circle of which in the progress of time you are to become the centre. Learn therefore to contemn as unmanly the morbid sentiments, and to reject as nauseous the libidinous painting of the titled poet.

But beware, gentlemen, that the muse does not seduce you from your severer studies. Pass with her, only your moments of recreation. In her close embrace there may be lurking danger: and beautiful and lovely as she is, you may rise from too much dalliance with shorn locks and enfeebled strength. Your business is with men, and lies among the realities of life. In all your excursions into the flowery paths and verdant avenues which may tempt your feet from the onward road to eminence, keep your eye fixed upon that road, and the means of instant return within your grasp.

In your preparation forget not the living languages. You are destined to intercourse with men of all nations. If you do not seek them abroad, they will seek you on your own shores—Learn therefore to address them in sounds which will be melodious to their ear, and cheat them into forgetfulness that they are strangers in the land. Forget not that language which is a passport of communion from one extremity of Europe to the other—the language of Corneille, Racine, and Moliere—the language of that gallant people who brought succour to our ancestors in the day of their extremity—and carried back with them those seeds of liberty which implanted in one century, have in another burst into the full and perfect fruit of freedom; the language in which will be told the story of that recent revolution, of which we know not whether most to admire the courage with which it was accomplished, the rapidity of its consummation, the oblivion of self and devoted patriotism of the actors, or the refined humanity and generous forgiveness of injury which has ennobled its termination, the language of the friend and guest of this nation, the father of regenerated France.

Study too, the tongue of the land of romance, of the Ebro and the Tagus, of the noble Spaniard who is now listening with greedy ear to the shouts of freedom as they burst across the Pyrenees, and startle the affrighted tenants of the Escorial. It is the language of a large portion of our own western world; of nations yet in their infancy, with whom our connections are destined to be important, and with their interests ours to be deeply mingled. These languages will be rich acquisitions: they will open to you mines of intellectual wealth, and largely contribute to your professional advancement. In fine, gentlemen, let your early life be a life of improvement. Learn all you can. Above all endeavour to be accurate



in your knowledge; carry mathematical exactness into all your researches, and remember always that clear and distinct ideas are the foundations of logical reasoning.

Gentlemen—the training of the mind has been rapidly glanced at. It remains to allude to a more important training; that of the morals and the heart, a topic which though applicable to all, is conceived to be specially connected with your pursuit. The law emphatically demands integrity of conduct, and purity of morals from its worshippers. How gross the inconsistency, should they whose whole study it is to know how to prescribe the rule of right to others, be found themselves to be transgressors of that rule. He whose declared province it is, to protect the weak, to avenge the injured, to lash the licentious, should take especial care to be himself

*"Integer vitæ, scelerisque purus."*

How else, can he hope to escape the bitter smile of incredulity, the sarcastic glance, telling him plainly, as he describes with fervid eloquence some flagrant injury, that he is but depicting his own character. How would his spirit quail, should he hear, in the "very torrent, tempest and whirlwind of his passion," the ejaculation,

*"Mutato nomine, de te fabula narratur."*

Guard therefore your integrity. Endeavour to be as spotless as your erring nature will permit: and if higher and better motives are not sufficient, let the conviction that your professional prosperity will be advanced, be an inducement to cultivate sedulously all that is noble, and shun all that is base.

So interlinked and entwined are the virtues, that where one exists in perfection, it is impossible the others should be wanting: and where all are excellent, it is difficult to assign pre-eminence. Yet if it were demanded to point out that virtue which sits with especial grace upon a member of your profession; the answer would be, beautiful and spotless truth. Truth to your client—truth to your brethren—truth to the Court—truth to the Jury. It is the sentiment of our own statute, which admits us within the pale of the bar, under the sanction of an oath, requiring fidelity to the court, as well as to the client; and, alas that such a sanction should be required! abstinence from all falsehood. Let the *spirit* of this solemn engagement be scrupulously observed, and your profession will indeed be one to command your love and gratify your pride. And as such, and only as such, gentlemen, is that profession worth pursuing. It is a most mistaken idea, an unfounded calumny, that its spirit tends to perversion and sophistry. It is a lying and a false spirit, which leads to disingenuity, and not the spirit of your profession.—Your profession is a manly and an honourable profession. Fair argument, and sound logic, and dauntless truth, intrepidity which fears no frown, independence which courts no favour, are its manly and honorable weapons: and he is a recreant to the order, and unworthy of its emblazonry, who enters its listed fields with less noble instruments of warfare.

Closely allied to the virtues are the graces, and worthy of all cultivation. They are like the setting of the diamond, which enables it to display its brilliancy and throw abroad its coruscations of light. The accomplished lawyer, should also be the accomplished gentleman; polished in his manners; kind and courteous to all; servile to none; freely yielding homage where it is due, never exacting it from others; studious to render kindness, to spare feeling; disdaining to inflict injury; scrupulously observing the rights of others; not overjealous of his own; cultivating, in fine, true politeness, that of the heart, which is confined to no rank, is peculiar to no station.

Gentlemen,—In this rapid sketch of the character and qualities of your profession, has too much been demanded of you? You are solicited only to attain the same excellence of which the Bar of the Union and the

Bar of Pennsylvania have presented many examples. Look back but a few years to the names of Tilghman and Lewis, and Ingersoll and Dallas, and Pinkney and Emmet, the illustrious dead; and you will find exemplars to stimulate ambition, and guides to eminence. Look to the still remaining brethren of these men, the revered and respected patriarchs of our own bar, and you will behold models worthy of all imitation; gentlemen who decline the repose which they might fairly claim in the evening of a life of laborious exertion, and continue to bestow upon their profession, and their country the fruits of their learning and experience in the productions of their pen. Look to the generation which has followed them, to the enlightened men, who among ourselves, now bear the sceptre of command, men distinguished alike for learning, for eloquence and for moral worth. Look to the Senate of the Union, and follow from the chamber of conscript fathers its pride and ornament; and go with him to the supreme tribunal of the nation, behold him every where commanding respect and admiration, shedding light, and carrying conviction. Look to all these, and you will see that you have been asked to tread its paths brilliantly illuminated, and to follow in your course to usefulness and fame unerring guides.

The existence of this academy is a proof that you have started in your career with ardor, and are pursuing it with judgment. It is an admirable institution, entitled to your constant support: a field of intellectual combat, in which discussions are heard that would command respect from established tribunals: and which has already obtained a fame abroad, gained by the writings of a favorite son. The Academy has long been deeply indebted to the celebrated jurist, who in the midst of scientific labours, and philosophical research, has not hesitated to preside over its fortunes: its present session is commenced under auspices of renewed brilliancy, in the accession to its faculty of gentlemen upon whose model the rising generation may be proud to form themselves.\* When hereafter the names shall be recounted of those, who imbibing here their legal principles, shall have sustained nobly the honour of their profession, may yours, gentlemen, and that of each of you, fill a large space in the animating story.

## LAND TITLES.

(Continued from page 337.)

The plaintiff claimed under a warrant of the 1st of February, 1760, from lord Baltimore to David Ross, for 500 acres of vacant land, in Frederick county, Maryland, between Little Meadow and Buck Lodge, on Potomac river, above Fort Cumberland, partly cultivated. On the 30th of April, 1762, a survey was made for Ross, the certificate of which stated that by virtue of a renewed warrant of 4th of February, 1762, 295 acres were surveyed, called the Dry Level, beginning at two white oaks, standing on the top of a hill, on the west side of Will's creek; but the survey said nothing of Little Meadow and Buck Lodge, or of its being partly cultivated; and it was said to be ten miles from the Potomac, and below Fort Cumberland; a Maryland patent to Ross, was dated in December, 1762.

The court said, the case depends upon the articles of agreement of 4th of July, 1760, between lord Baltimore and the Penns. By these articles, the estates of all persons were protected, who had before that time acquired title by any kind of grant from lord Baltimore, or his ancestors. The question then is, had lord Baltimore made a grant to David Ross, prior to 4th of July, 1760? If the original warrant had called for the land afterwards surveyed, we think that the title of Ross, would have related to the date of that warrant, although

\* One of those gentlemen has resigned his station since this address was delivered.



the survey was not made until some years after, provided the warrant had been renewed according to the practice of the Land Office of Maryland. But supposing, as we do, that the warrant did not call for the land surveyed, the grant to Ross cannot be said to commence before the time of surveying it, viz. 30th of April, 1762, and is therefore a mere nullity. We can find nothing in the articles of agreement between the proprietaries, to establish a title of this kind, to land in this state against a person, who, like the defendants, afterwards acquired a regular title from the proprietaries of Pennsylvania, (which, as appears by the report, commenced in August, 1766,) a new trial was therefore granted, on the point of fact, whether the land was called for by the original warrant of 1760.

In the lessee of Thomas Lilly, v. George Kitzmiller, at York, May, 1791, before Shippen and Yeates, Justices, (MSS. Reports,) the case was as follows:

The lessor of the plaintiff grounded his title on a Maryland patent for 6,822 acres, dated 11th of October, 1735, founded on an original warrant for 10,000 acres, dated 1st of April, 1732, which, according to the custom of the Land Office of Maryland, had been several times renewed; also, on a Maryland warrant of resurvey, to re-survey the ancient metes and bounds, correct errors in the first survey, and add contiguous vacancies, whether cultivated or not, dated 15th of July, 1745. A survey thereon of 3,679 acres, made in October, 1745, and a patent, dated 18th of October, 1745.

He also relied on the two agreements of the proprietaries of Maryland and Pennsylvania, the first dated May 10th, 1732, under the 11th article whereof, "Persons holding lands under either of the proprietaries, though beyond the division line of the two provinces, were secured and quieted in their rights and possessions," and the order in council made in pursuance thereof, on the 25th of May, 1738. And the second agreement on the 4th of July, 1760, under the proviso whereof, it was declared, that "nothing therein contained should be construed to extend to the respective grantees, or those claiming under them," and deduced his title to both patents, under a will, and divers mesne conveyances and descents.

The defendant's title rested on a warrant to Martin Kitzmiller, for 150 acres of land, including his improvements, from the Land Office of Pennsylvania, dated 5th of February, 1747; a survey thereon of 164 acres, made 30th of May, 1759; a patent dated 17th of September, 1759; and a conveyance from the patentee to him. It was proved that the defendant and his ancestor had been in possession of the lands in question since the year 1738, or 1739. It was admitted on both sides, that the temporary line between the two provinces, was run in 1739—the final division line run by Mason and Dixon was completed in 1767, and that the proclamations of the respective governors issued in 1774.

The instructions of lord Baltimore to Charles Carrol, his agent, dated 12th of September, 1712, were also given in evidence on the part of the defendant, whereby the mode of assigning warrants was pointed out, and wherein he directs, that in each survey, the boundary tree alone should be marked, and the courses and distances specified in the return of survey, as the fairest mode, and best calculated to prevent civil suits!

With an intention to show fraud or mistake, in the deputy surveyor, it was proved by an ancient witness, that the deputy surveyor did not return the first survey as actually made by him on the ground; that the quantity of 10,000 acres was really contained within the lines of the lands run by him, including the lands in question, and that upon making his plat, and finding the figure to be very irregular, he got displeased, and swore he would not cast up the contents, or return it in that form, and then reduced a number of lines into one, struck off five or six angles in different places, and made a new plat different from the courses and distances run on the land,

and of 270 courses contained in the field notes, which were several years in witness's possession, he left out above one hundred and fifty of them; and the witness afterwards delivered the field notes to John Digges, the patentee.

The lands in possession of defendant were thus thrown out of the returned survey, but were included in the resurvey, which was said to have corresponded with the lines originally run upon the ground.

There was much other testimony, but not material to the point now under consideration.

The court in their charge to the jury, said, in substance, as follows: The lands in dispute lie four miles north of the boundary line between the States of Pennsylvania and Maryland. Independent of the proprietaries' agreements, lord Baltimore could have no right to grant lands beyond the limits of his province. Whatever, however, was granted by either proprietor, though beyond their respective limits, before the royal order in 1738, was secured to the settlers by their mutual agreement, but the subsequent agreement of 1760 could not affect the rights of persons claiming under either proprietor, previous thereto. The great question in this cause is, whether the first survey included the lands now possessed by the defendant.

It appears to us there is a failure in the plaintiff's title in this early stage of it. Under the practice in Pennsylvania, of making proprietary surveys, trees are marked on the ground, and where there are no trees, or natural boundaries, artificial marks are set up to distinguish the survey. By these means, if the surveyor returns a distance, different from the courses and distances actually run, the mistake is easily corrected. Should the surveyor commit an error in his return, it shall not affect the right of the party. Such cases have frequently happened.

But the case is very different under the ancient practice of making surveys under the proprietaries of Maryland. Such surveys were merely ideal, and precisely fixed on paper alone. No trees were marked except the beginning boundary. Lord Baltimore's instructions, which have been read, clearly show us, what his intentions were, and that he was concluded only by the courses and distances returned. The survey was ambulatory, not confined to a certain spot of land, but was governed by the variation of the compass, and was continually shifting. The courses and distances returned formed the survey, and determined on an exact admeasurement, the particular lands granted, as often as they were run. Those courses and distances alone were binding on the proprietor, and consequently on his patentee. It necessarily follows under our idea, that as the testimony of witnesses, or any other circumstances shown in the cause, cannot establish a title to lands without the limits of the original survey as returned, that the plaintiff must fail in the present suit.

We mean, however, in thus giving our opinion, which we have taken some pains to form, to confine ourselves to the express case before us. It is not intended to affect other rights. Persons who have bought lands from plaintiff, even within the resurvey, may have acquired titles by their possessions and improvements, which should not now be shaken. The plaintiff suffered a nonsuit.

## PART II.

*Of the ancient practice and customs of the Land Office, previous to the year 1765.*

By force of the royal charter, William Penn, and his successors, as proprietaries, were the undoubted lords of the soil. They stipulated, however, with the purchasers under them, to extinguish the aboriginal right of the natives. They alone had this power. No individual, without their authority, could purchase of the Indians; and the people themselves, by legislative acts,



recognized, and aided them to enforce this important principle.

They had the unquestioned right to dispose of their lands in any manner they thought proper. But without settlement, a grant of an extensive territory would have been useless. If the condition of colonization had failed, the grant must have been resumed; and if the disposition of the great founder had not been the most benevolent, a commanding necessity obliged him to encourage emigration and cultivation, and to part with his lands upon reasonable terms.

The officers of the Land Office were his officers and agents. The commissioners of property were controlled by his regulations and authority; and it will appear, that from the acts of these proprietary agents, many rights to land have sprung up from time to time, which have, not improperly, been termed inchoate, irregular, imperfect, and equitable titles; founded not only upon warrants, surveys, and patents, but upon settlements, connived at, or acquiesced in, depending sometimes upon the situation of the proprietor's title, or the unsettled state of his family, upon the supposed circumstance of the Land Office being shut, or encouragement given to settlers on or near controverted boundaries, and to promises. Hence also custom and usage of the Land Office from early times have vested interests, which have afterwards been confirmed by judicial decision, and recognized by laws. Thus in an instance which may be found in *Kyle v. White*, 1 Binney, 247, a promise made to a trespasser, to induce him to move off of the unpurchased Indian lands, by secretary Peters, was considered as entitling the trespasser to a preference after the purchase.

Whatever uniform plan of settling the country and conveying his lands, the first proprietor may have contemplated, or devised, it must very early have been found impracticable on experience. At present no regular system can be traced upon the public records. The terms of sale were changed from time to time; and as the affairs of the Land Office were not familiar to the mass of the people, it is not to be wondered at, that the assembly, even in the year 1755, in an address to governor Morris, declare, "that the state and management of the Land Office is pretty much of a mystery." Votes of assembly, vol. 4, page 464.

#### *Of First Purchasers, or Old Rights.*

The original lists of first purchasers are recorded in the Land Offices. The privileges to which these were entitled, with respect to city lots, and liberty lands, and the price paid by them, and the quit rents to which they were subject, have been already stated. To these first purchasers, the conditions and concessions made in England, chiefly related. Wherever they desired to sit together, and their quantity amounted to five or ten thousand acres, they were to have their lot or township cast together, &c., and in every one hundred thousand acres, the governor or proprietor reserved ten to himself, by lot, which shall lie but in one place. It has been already shown, that this related merely to the original purchasers.

Many of these original rights were long out standing, and several not surveyed until after the revolution, and probably, some few have been entirely abandoned. The subject is at this day intricate from a variety of causes. Many of the purchases appear to have been made upon speculation by persons who never came into the province; and transfers were made of parts or parcels of large warrants to different individuals. For these parcels separate warrants were again issued to survey the subdivisions to the under purchasers. By such means, it has not unfrequently happened that a considerable surplus has been surveyed beyond the amount of the original purchase. By the accumulation of old rights, by purchase, in one person, it has also happened, that entire squares of city lots, as appertaining, in early times have been granted to individuals,

with large appropriations of liberty lands, and it became almost a science to trace out original titles. From such cause is to be attributed the singular appearance of the original minutes of property which exhibit a record of transfers and mesne conveyances in abstract, and pedigrees, and even of intermarriages. It is not improbable, however, that in some cases, these may be valuable documents at this day.

In the minutes of the Board of Property, August 15th, 1765, there is a special order respecting old rights. The preamble suggests that great quantities of lands on such rights had been again applied for, and twice granted, and, "The deputy surveyors are directed to send in to the surveyor general's office, all the surveys on old rights which they can discover not to have been yet returned—And all future surveys thereon to be returned in two months after made."

By the seventh section of what has been termed the divesting act, ante. vol. 1, page 481. all rights, titles, estates, claims, and demands which were granted by, or derived from the proprietaries, their officers, or others, duly commissioned, authorized, and appointed, or otherwise, or to which any person or persons, other than the said proprietaries, were, or are entitled, either in law or equity, by virtue of any deed, patent, warrant or survey; or by virtue of any location filed in the Land Office at any time or times before the 4th day of July, 1776, were ratified, confirmed, and established forever, &c.

By the 5th section of the act in the text, persons possessed of old rights, &c. were confined in locating the same to the lands already purchased of the Indians.

#### *Of Quit Rents.*

All quit rents were abolished by the ninth section of the divesting act before mentioned. Any observation respecting them, therefore, can have no further interest than as they may be considered as a part of the history of the titles to lands as they stood under the proprietary government.

It does not appear that any certain standard or rule was established with respect to quit rents at the first settlement of the province, except with the first purchasers, which was one shilling sterling for one hundred acres.—See votes of assembly, vol. 1, part 2, page 41.

Lands which were allotted to servants, who came over with the first settlers, and faithfully served out their time, were not liable to purchase money; the quit rent was therefore greater. The seventh article of the conditions and concessions runs thus, "That for every fifty acres that shall be allotted to a servant, at the end of his service, his quit rent shall be two shillings per annum; and the master, or owner of the servant, when he shall take up the other fifty acres, his quit rent shall be four shillings by the year; or if the master of the servant, (by reason in the indentures he is so obliged to do,) allot out to the servant fifty acres in his own division, the said master shall have on demand allotted to him from the governor, the one hundred acres, at the chief rent of six shillings per annum."

When warrants were issued upon what were called the new terms, it appears by the minutes of the commissioners of property, the price was five pounds for one hundred acres, and the quit rent sometimes a bushel of wheat, sometimes one shilling sterling. This latter was called the common rent. The new rent, and the most usual, was one penny sterling per acre. Whatever reservation was made, was stated in the warrant, as part of the contract.

In the commission of October 28th, 1701, to Edward Shippen, Griffith Owen, Thomas Story, and James Logan, as commissioners of property; authority is given to them to grant lands for such sums and quit rents, &c. as to them or any of them, should seem reasonable.

The same authority is given by the new commission of November 9th, 1710.

The assembly, in their address to the proprietor,



when he was about to sail for England, September 20th, 1701, requested of him, "That the inhabitants or possessors of land may have liberty to purchase off their quit rents, as formerly promised. Votes of Assembly, vol. 1, part 1, p. 146.

In his answer, he tells them, "If it should be my lot to lose a public support, I must depend upon my rents for a supply; and therefore must not easily part with them; and many years are elapsed since I made that offer, that was not accepted. Ibid. 149.

Some controversy, indeed, there was about this public support; and the assembly alleged that quit rents were originally agreed to be paid to the proprietor, on account of the extraordinary charge he would be at in the administration of the government. That he had sold lands to a great value, and reserved rents sufficient, in a moderate way, to maintain him or his lieutenant, answerable to their station. What if we add, say they, that we desire the proprietary would be content to live upon his rents, &c. Considerable altercation, and no little warmth took place upon this subject between governor Evans and the assembly. The dispute, however, died away. The assembly continued to provide for the governors down to the revolution. See votes of assembly, vol. 1, part 2, p. 41, 45, 155; vol. 2, p. 10, 12, 15.

#### *Of the six per cent. allowance*

The allowance was originally ten per cent. In the address of September 20th, 1701, before mentioned, the assembly request, "That the ten acres in the hundred, may be allowed according to the proprietaries' engagements." I am very willing, answered the proprietor, to allow the ten acres per cent. for the ends proposed by law, and not otherwise.

The law referred to, was the law of property, made shortly before at New Castle, with which the people were dissatisfied, and some misunderstanding had taken place respecting it. The assembly, therefore, on the 9th of October following, (1701,) again request "That the misunderstanding about the ten acres per cent. be rectified; and the allowance for roads and highways be allowed to all lands whatever, whether already taken up, or to be taken up hereafter." On the 23d of October, they sent a member to the governor, with the request, varied in this manner. "The assembly desires that the proprietary will be pleased to allow ten acres per cent, for roads, uneven grounds, &c. unto all persons, purchasers and renters, either taken up, or to take up: and for such as shall hereafter rent, five per cent. at least." The proprietor sent them the following message on the 25th—"Friends, complaint having been made, that some persons had not the benefit of the law of New Castle, with respect to the allowances of ten per cent. I consented to allow the said ten acres per cent. according to the said law; but never intended to make myself debtor for those deficiencies which were not to be had; and understanding you look upon that law unequal, as giving to some ten per cent. where there is overplus, and but two per cent. upon surveyed land, where no more is to be found; I am therefore willing to allow or make good six per cent. to all persons, as well to those that want, as to those who do not want the same upon a re-survey." This did not meet the sentiments of the assembly; and the amendment proposed by them to the bill of property was, "That whereas ten per cent. is allowed by the law made at New Castle, for roads, barren lands, uneven grounds, and differences of surveys unto all such persons who have overplus in their tracts; the same ten per cent. may be allowed unto all persons whatsoever, who have taken up lands by right of purchase, or on rent, or that shall hereafter take up by virtue of former grants; and that all persons hereafter purchasing may have five per cent."

By the act of 1712, chap. 183, it was provided, "That for all lands hereafter to be taken up, or survey-

ed in this province, the surveyor, that lays out the same, shall allow for roads and barrens, after the rate of six acres for every hundred acres to the owner of such lands, for which said allowance of six per cent. no rent shall be paid to the proprietary, his heirs and assigns!"

This act was repealed by the queen in council, February 20th, 1713; but the custom was established, and continued from that time to this day.

See votes of assembly, vol. 1, part 1, p. 145, 148, 153, 161, 163, 164, and appendix 14.

#### *Of Townships.*

It appears to have been part of the plan of William Penn to have laid out the province into townships, of 5000, or of 10,000 acres, and to have surveys made within the respective boundaries of such townships; and that purchasers of large tracts might lie together; he accordingly introduced this clause into his warrants, "According to the method of townships appointed by me." This plan could not be long pursued. The clause in the warrants, however, continued long after the object of it ceased. It was omitted in the warrants for the lands in the purchase of 1784, but was not discontinued in the preceding purchases, until it was struck out by the present Land Officers, as having no present meaning, or utility.

#### *Of Head Lands.*

A township was appropriated under this name, and in which, as appears from the minute books, all the servants' lands were to be surveyed, so many acres *per head*, according to the conditions and concessions. This could be claimed only by such servants who came in with the first purchasers.

#### *Of Manors.*

Manor courts were never established in the province. The great troubles of William Penn, in all probability, prevented his attention to this subject, which would perhaps have failed in the experiment, and might have been obnoxious to the people, and have introduced a state of vassallage, to which they could not long have submitted. That he kept it in view, appears from the following entry, in minute book, C, p. 6. "The proprietor gave to Martin Zeal, a paper wrote all in his own hand, and signed by him in the following words, (I am willing to let Elizabeth's husband have 50 acres in my manor of Pennsbury, on the other side of the run, to the Shoemaker's, lying upon the said creek, and near running back to William Biles' line, at three pence sterling per acre, to begin to be paid the third year, and so forever after, holding of the said manor, and under the regulations of the court thereof, when erected." Warrant ordered by the commissioners accordingly, (1701.)

Technically speaking, therefore, there were no manors in Pennsylvania, although the proprietary tenths, and other large surveys for them, were so called. The tenure by which the charter was held, was that species of feudal tenures called Socage, by fealty only, in lieu of all other services; and the tenures under William Penn were by a kind of rent service. The patents were in free common socage, in lieu of all other services. By the abolition of quit-rents, all estates derived immediately from the commonwealth, are unconditional fees simple, with a reservation only of a fifth part of gold and silver ores, at the pit's mouth. Happily for Pennsylvania, this reservation has been merely nominal, and the surest mines of wealth, are the virtue, industry and simplicity of the people. Every grant of land, however, under the proprietary government, was nominally declared in the patent to be held as of some certain manor.

In the eighth section of the divesting act, vol. 1, p. 481, in the reservation of the private estates of the proprietaries the manors are thus mentioned, "Likewise all the lands called and known by the name of the proprietary tenths or manors." It has already been



shewn, in *Carson v. Blazer*, before cited, that the terms of the conditions and concessions, confining the tenths of the proprietaries to one place, and to be taken by lot, related only to the grants to the first purchasers. But the proprietor had the right to withdraw any land, not previously appropriated to individuals from the general mass of property, and to appropriate it to his own use. Such was the judicial construction, upon the *Springetsbury manor case*: See *Penn v. Kline*, 4 Dallas, 407.

William Penn issued his warrant, dated 1st of September, 1700, to Edward Pennington, then Surveyor General, to survey for the proprietor 500 acres of every township of 5000 acres; and generally, the proprietary tenth of all lands laid out, and to be laid out; and similar warrants were issued by the successive proprietaries, to every succeeding Surveyor General. Warrants were likewise issued for the appropriation of the islands in the different purchases.

All these special appropriations to proprietary use, are entered together, since the revolution, and are preserved in the Surveyor General's office.

#### *Regulations of Settlement.*

By the fourth section of the concessions and conditions, any number of purchasers, whose number of acres amounted to five or ten thousand, desired to sit together in a lot, or township, their township was to be cast together, in such places as had convenient harbors, or navigable rivers attending them, if such could be found; and in case any one or more purchasers did not plant according to agreement in this concession, to the prejudice of others of the same township, upon complaint made to the governor, or his deputy, he might award (if he saw cause) that the complaining purchaser might, on paying the surveying, purchase money, and interest, be entitled to, and invested in the lands so not seated. And by the preceding article, purchasers from one to ten thousand acres, or more, were not to have above one thousand acres together, unless in every three years they planted a family upon every thousand acres: and by the tenth section, every man was bound to plant his lot within three years after it was set out and surveyed, otherwise it was to be lawful for new comers to be settled thereon, paying the survey money, and the first purchasers were to go higher up for their shares.

These regulations were certainly neglected, and the proprietor endeavoured to enforce it by proclamation, which still exists on the journals of the commissioners of property, 1687, letter F, in these words,

#### *Proclamation concerning seating of land by William Penn, proprietor and governor.*

"Since there was no other thing I had in my eye in the settlement of this province, next to the advancement of virtue, than the comfortable situation of the inhabitants therein; and for that end, with the advice and consent of the most eminent of the first purchasers, ordained that every township consisting of five thousand acres, should have ten families at the least, to the end that the province might not lie like a wilderness, as some others yet do, by vast vacant tracts of land, but be regularly improved, for the benefit of society, in help, trade, education, government, also roads, travel, entertainment, &c. and finding that this single constitution is that which eminently prefers the province in the esteem and thoughts of persons of great judgment, ability and quality, to embark with us, and second our beginning, I do hereby desire, and strictly order my trusty and loving friends and commissioners, William Markham, Thomas Ellis and John Goodson, or any two of them, that they inspect what tracts of land taken up, lie vacant, and unseated, and are most likely to give cause of exception and discouragement to those that are able and ready to seat the same, and that they dispose of, if not seated by the present pretenders within six

months after the publication hereof, provided always, the usual time allowed for plantations, be already expired; and that this extends not to those persons that have forfeited their lands in the annexed counties, (the three lower counties,) to whom I allowed a year and a half time, after my arrival, to settle at the old rent, and have nevertheless neglected to do the same; and that the said commissioners are further desired and required to take the greatest care, that justice and impartiality be observed towards all in the disposal of land, as well in reference to quality as quantity, that what is right in the sight of God and good men, may always be preferred, for it is the best and lastingest bottom to act and build upon."

Given at Worminghurst place, in old England, the 24th of the 11th month, 1686.

This proclamation was published in the province the 26th of the 5th month, 1687.

These proceedings, however, appear to have had no operation, nor does any record appear of any forfeiture, or re-grant of any of the lands surveyed on the original rights. The province continued to increase and prosper, and applications for new lands were almost daily made; the method of townships was very soon lost sight of, and surveys promiscuously made according to the wishes of the purchasers. The warrants in 1701, express "That the land shall be seated within two years after the survey." Vacating warrants will be hereafter considered.

#### *Of surveys, and surplus lands.*

This subject engaged much of the attention of the first proprietor; he was desirous to be just, but he was tenacious of his rights. There was at the date of his charter, a very considerable settlement on the banks of the Delaware, and the titles were generally derived from the governors of New York, under the crown. The inhabitants were quieted in these titles; and instances occur of grants from Sir Edmund Andross, which had not been surveyed, being ratified, surveyed and patented by order of the commissioners of property. But it was supposed that these old rights included a large quantity of land more than was expressed in the patent, or the possessor had any right to by the original warrants, or orders for the surveying or laying out the same. Large quantities of surplus lands were also supposed to have been included within the patents issued from his own office. A method was therefore adopted of issuing warrants of the re-survey, and after cutting off the overplus, confirming the quantity first purchased, by a new patent. The practice, however, eventually failed. It may have been possible that in some cases too much land was fraudulently included; but in most instances it may have happened through mistake, or want of skill in the surveyors. Experience has proved that surveys made in early days, especially in a new country, have most generally overrun the measure, upon a re-survey. The system must therefore have become impracticable, and was discontinued after the year 1713. The proceedings are however here given, as part of the ancient land history of the country.

The following instructions were given by William Penn, on the first of the 2d month, called February, 1686, to his commissioners.

"That no warrant of re-survey be granted by you for land within five miles of the river Delaware, or any navigable river."

"That all overplus lands, upon re-surveys, granted by the former commissioners, not already granted, or not patented, be reserved to my use and disposal."

"No lands to be laid out next or adjoining to that inhabited, and that in every township one share be reserved for the proprietary, with all the Indian fields that are in the said township."

"No land containing mines, to be granted without William Penn's express warrant. Book F.

In the commission of October 28th, 1701, when the



proprietor was about to sail for England, (book G,) among other things, he authorizes the commissioners of property, "To grant lands for such sums, and quit-rents, &c. as to them, or any three of them should seem just and reasonable; also, to sell intervening, concealed, or vacant lands; to dispose of surplus lands; and to make satisfaction out of my other lands and estate, (my appropriated land excepted,) in the said province and territories, as the law in that case directs, for all such deficiencies in measure, as upon a due re-survey shall be found in any tract or tracts, or parcels of land, to the respective persons thereby grieved, &c. And while on shipboard, on the first of November, by a second commission, he gave them power to erect manors, with jurisdiction thereto annexed, as fully as he could do by the charter. This latter power, however, they declined exercising, on the application for such a manor in Buck's county by Mr. Growdon.

The law alluded to, was the law of property, passed at New Castle, in 1700, and confirmed in 1701; which enacted (among other things,) "That any person's lands in this province should be re-surveyed; and if upon such re-survey (after allowance of four acres in the hundred, over or under, for difference of surveys, and six per cent. for roads,) an overplus shall be found, the possessor thereof should have the refusal of it from the proprietary, at reasonable rates; and in case of disagreement about such rates, the proprietary was to choose two men, and the possessor two more, who should either fix a price on the said overplus land, or appoint where it should be taken off for the proprietary in one entire piece at an outside (saving to the purchaser or renter, his improvements and best conveniences,) any three of whom agreeing, should be conclusive; and the charges of re-surveying should be borne by the purchaser, or renter of the main tract, if he bought the overplus, or if not, then by the proprietary; and that deficiencies should be made good by the proprietary, according as he received for overplus land as aforesaid."

Under this act many re-surveys were made, and over-measure found; but the act expired before the same could be cut off, or the rates settled; and the proprietary was not satisfied for his over-measure; in consequence of which the act of 1712, entitled "An act confirming patents and grants," (chap. 183, and Carey's and Bioren's appendix,) was passed.

This act confirmed all lands which any person or persons held and enjoyed, or ought to have, hold, and enjoy within the province, as well by or under any old grant or estate from the proprietor, or his commissioners of property and agents, pursuant to such person's right, &c. as also by, or under, any old grant, patent or warrant obtained from governors or lawful commissioners under the crown of England, before the charter to the proprietary, or by any other legal, or equitable grant, right, title, entry, possession, or estate whatsoever; but it was not to be construed or adjudged to confirm any lands taken up by virtue of the said old grants, which were not duly seated or improved by the grantees, or their assigns before the year 1682, nor for any more, or greater quantity, than should appear by any grant from the proprietary, or from his predecessors, the former governors aforesaid, to be the grantee's just due (over and above the six acres by the said proprietary allowed to be added to every hundred acres of lands for roads and barrens, and the four acres, over or under, to be accounted for difference of surveys;) nor to create a right to the possessor or claimer of lands, that were not taken up, or surveyed by virtue of a warrant, or order, from persons empowered to grant the same, and by a surveyor appointed for that purpose.

The Roll's office was declared to be an office of record; and all patents to be matters of record, and to have no need of delivery before witnesses, livery and seizin, or acknowledgments, as deeds of other persons. No patents to be prejudiced by mis-recitals, or for mis-

namings, or not true namings counties, or places where the lands were situated, &c. But nothing therein contained, obliged the proprietary to make good any patent annihilated, or made void by due course of law; or to make good to any purchaser of a right, or rights to unlocated lands, who inadvertently, or by misinformation, had obtained, or should obtain a patent or confirmation of lands which should be discovered to be the prior right of another person, further or any more, than the same quantity of land in the next advantageous place that such purchaser should choose and discover to be vacant and free from all other claims. But where such prior right should appear and take effect against any such person or persons, who had purchased the same tract, or parcel of land of the proprietary, or his commissioners, or agents, by a certain name, or by any agreed location in that particular place, or the warrant expressing the same accordingly, then, and in such case, the proprietary, his heirs and executors, should refund and make good such second purchaser the full sum or value, which he the said proprietary, or his agents, did receive for the same, together with lawful interest, from the time such payment was made; and in both the above mentioned cases, if the latter purchaser, his heirs or assigns, shall have made any improvements on the said land, such improvements were to be valued by persons indifferently chosen, and paid for by the first purchaser.

And as several persons had obtained grants or patents before the date of the charter, for more lands than they had any right to by their original warrants, or orders for the surveying, or laying out of the same, they were not to be confirmed, but as to the residue or overplus of said lands, were declared to be null and void, and of none effect; and new patents were to issue for the quantity they were entitled to.

The act then proceeded with respect to the re-surveys which had been made under the act of 1700, and the overplus was to be offered to the possessors at reasonable rates, to be fixed, in case of disagreement, by referees, who were to fix the price, or appoint where it should be taken off for the proprietary, in one entire and convenient piece, at an end or outside, saving, to the possessor his improvements and best conveniences, and the residue was to be confirmed to the owner by a new patent, and the overplus be disposed of by the proprietor.

If upon any such re-surveys any tract had been found deficient in the number of acres for which it was at first granted, all such deficiencies were to be made good by the proprietary, after the same rate he received for overplus lands in that neighborhood.

This act was repealed in council, 20th of February, 1713. Votes of assembly, vol. 2, p. 150.

The resuming surplus lands, and allowing for deficiencies, appear by this act to have been mutual stipulations between the proprietary, and the people. We find nothing more, however, upon record, respecting re-surveys, after this period. With respect to the allowance for deficiencies, the instances in the proprietary times are numerous; and it appears to have been a principle, to allow a credit for over-payments, upon the most equitable of all rules, that no man should be compelled to pay for that which he could not obtain, or where the consideration had failed. With respect to laying warrants, or locations on other advantageous places, not at first contemplated, or what is called shifted warrants; that subject will be considered in its proper place, in the note.

(To be continued.)

#### LIBRARY OF FOREIGN LITERATURE.

At a meeting of the Stockholders of the Pennsylvania Library of Foreign Literature and Science, held at the Library, under the Athenæum, on Monday, 11th November, 1833.



P. S. Duponceau, Esq. was called to the Chair, and Frederick Fraley appointed Secretary.

The Annual Report of the Directors was read and ordered to be printed. The Stockholders then proceeded to the election of officers for the ensuing year, which resulted as follows.

*President*—John Sergeant, L. L. D.

*Vice Presidents.*

P. S. Duponceau, L. L. D., Charles J. Ingersoll.

*Directors.*

Alexander D. Bache,	John Vaughan,
Wm. H. Keating,	R. La Roche, M. D.
Chas. R. Demme, D. D.	Peter McCall,
William B. Reed,	Alfred L. Elwin, M. D.
D. F. Condie, M. D.	John Bell, M. D.
Frederick Fraley,	A. J. Pleasonton.

*Secretary and Treasurer*—J. J. Barclay.

On motion, the proceedings ordered to be printed.

P. S. DUPONCEAU, Chairman.

F. FRALEY, Secretary.

### ANNUAL REPORT.

The Directors of the Foreign Library, in presenting their Annual Report, have great pleasure in assuring the Stockholders that there is every reason to believe that the public favour which was extended to their infant institution, has not been withdrawn, and that, after struggling with difficulties of a most peculiar kind, the prospects which seemed to justify the most sanguine hopes of success at the time the Association was formed, are still fair and open. What those difficulties were, and how they have operated, it is scarcely necessary at this time to say. It is sufficient for the Directors to assure the Stockholders that, although at the time productive of serious embarrassment, there is great reason to believe, that in public estimation they were much exaggerated. They are now happily removed. The Directors believe that with a moderate portion of patronage, or even with faithful co-operation on the part of the Stockholders, there can be no doubt that this Institution will continue to be a benefit and ornament to the community in which it is fixed. Had a different result ensued, and had this library, in consequence either of indifference or of hostile influence, been allowed to fall into decay, a problem of no very gratifying solution would have been presented, and it might have been asked, why at a time when the study of the modern languages was so generally pursued, the only institution in this city, (we may perhaps say in this country,) which afforded peculiar and exclusive facilities to such students should be allowed to expire, for want of the moderate sustenance that it required. The Directors have no wish at this time to say any thing in relation to the merits of this Institution in affording facilities of this kind, or to attempt in any way to impress the public mind with a sense of the advantages to be derived from such studies. It would, they are aware, be wholly unnecessary. A single remark they will offer, only however, with a view to illustrate the design of the founders of this Library Company, and the mode of administration which the successive Boards of Directors have adopted. The acquisition of Foreign Languages ought not to be regarded as a matter of mere literary accomplishment. In our country especially, where industry has other aims than pure scholarship, this kind of knowledge is made subservient to more practical purposes, and few study a foreign language in order to enjoy its literature in comparison with the numbers who in one way or another, are endeavoring to acquire it, so as to advance them in the varied pursuits of active life. The man of science, the lawyer, the physician and the merchant, find their professional education complete without it, and it may be safely said that no teacher of religious truth can be considered as qualified, in point of literary acquisition, for the dis-

charge of his duty without an acquaintance with that one of the European languages which embodies so much profound theological learning. In proportion too to the extent of commercial enterprise and to the intimacy of national relations, does this general necessity increase. In our own country to which, whether as a land of refuge or a land of promise, ready access is given to strangers of every clime and of every tongue, and among our own countrymen, whom the restless spirit of adventure is hourly leading within the circle of every idiom that the tongue of man uses, this department of useful knowledge ought to have, and has innumerable votaries. It was upon the conviction that such a disposition existed, and upon the admitted absence of the necessary facilities to improve it, that the individuals with whom the design of a Foreign Library originated, mainly rested their hopes of success. It has been too with a steady view to this object that the Directors have endeavored to expend the funds entrusted to them, and in resigning the charge of a Library to their successors they can with confidence invite an inspection of all who are interested in the subject to the results of their labours. Taking into view the necessarily limited number of their purchases, and the mistakes incident to untried agencies abroad, they have no hesitation in saying that in the department of German, Spanish, Italian and a portion of the French books, there is not a better selection in this or any other neighboring city. As to what amount of credit is due to those who have thus far promoted this plan, the Directors do not feel at liberty to speak. Looking to results, and to the fact that not only has this institution been enabled to place on its shelves a very respectable library, amounting to between two and three thousand volumes, but that others, influenced by example, or stimulated by an awakened sense of what is due to the wants of the reading community, have been led to make extensive and valuable purchases in the department of foreign literature, they cannot withhold the expression of gratitude for the public spirit in which this project had its origin, and by which alone, under severe discouragements, it has been sustained.

In referring to the fair prospects of the Institution, the Directors are far from wishing to be understood as representing it in such a condition as to render public support and patronage unnecessary. They appeal to the public for assistance, with the conviction that it is deserved for what has been done, and required for what is to be done hereafter. It is desirable that the library should be rapidly increased, and that the demand for contemporary works, more especially in the French and German languages, should be satisfied. To enable the Company to do this, they must rely on the continued patronage of their fellow citizens. They have no reason to suppose it will be withheld.

The Board have great pleasure in announcing that Mr. Duponceau, the senior Vice President of the Society, in accordance to their renewed solicitation, has consented to pronounce a public discourse before them some time in the early part of January next. By a vote of the Board, the library has been removed to one of the large rooms in the basement of the Athenæum buildings, where, on Wednesday and Saturday of each week, from two P. M., till sunset, a Librarian will attend for the distribution of books. Catalogues will soon be ready.

All of which is respectfully submitted.

JOHN SERGEANT, President.

F. FRALEY, Secretary.

### FINANCES OF PENNSYLVANIA.

The following extracts are prepared for the Harrisburgh Chronicle, from the report of the Auditor General, for 1833. The first statement shows the receipts—the second the expenditures, and the third the amount of tolls taken on each division of canal, all the state-



ments being from the first of November, 1832, to the 31st of October, 1833.

#### RECEIPTS—No. 1.

Lands and Land Office fees,	\$48,379 64
Auction commissions,	15,700 00
Auction duties,	79,038 08
Dividends on bank stock,	143,230 00
Dividends on bridge, navigation and turnpike stock,	28,535 20
Tax on bank dividends,	45,404 91
Tax on offices,	14,399 51
Tax on writs, &c.	24,771 00
Fees, Secretary of State's office,	728 33
Tavern licences,	52,267 16
Duties on Dealers in foreign merchandize,	61,480 86
State maps,	131 30
Collateral inheritances,	160,626 26
Pamphlet laws,	96 26
Militia and exempt fines,	1,693 00
Tin and clock pedlers' licences,	2,461 93
Hawkers' and pedlers' licences,	3,025 45
Increase of county rates and levies,	185,177 32
Tax on personal property,	43,685 47
Escheats,	1,742 99
Canal tolls,	151,419 69
Loans,	2,539,987 00
Premiums on Loans,	335,651 72
Premiums on bank charters,	102,297 90
Old debts and miscellaneous,	5,119 74
	<hr/>
	4,047,050 62
Balance in Treasury, Nov. 1. 1832,	117,167 16
	<hr/>
	\$4,164,217 78

#### EXPENDITURES—No. 2.

Internal Improvements,	\$2,588,879 13
Expenses of Government,	212,940 95
Militia Expenses,	20,776 99
Pensions and Gratuities,	29,303 21
Education,	7,954 48
House of Refuge,	5,000 00
Interest on Loans,	94,317 47
Pennsylvania Claimants,	351 00
State Maps,	187 30
Internal Improvement Fund,	755,444 01
Penitentiary at Philadelphia,	44,312 50
Penitentiary near Pittsburgh,	23,047 75
Conveying Convicts,	1,350 22
Conveying Fugitives,	581 50
Defence of the State,	160 00
Miscellaneous,	12,187 97
	<hr/>
	\$3,796,794 48
Balance in the Treasury, Nov. 1, 1833,	367,423 30
	<hr/>
	\$4,164,217 78

#### CANAL TOLLS—No. 3.

Abraham Hendel, Collector at Portsmouth, Eastern Division,	\$25,543 90
Thomas C. Reed, Harrisburg,	19,650 69
John Nevin, Middletown,	516 32
George P. Nevin, Swatara Aqueduct,	541 76
Robert Scott, Jr., Duncan's Island, Susquehanna Division,	3,485 06
Jacob Fritz, Juniata Aqueduct, Juniata Division,	61 41
Levi Reynolds, Lewistown,	7,703 84
Robert Robinson, Shaver's Ford Aqueduct,	10 00
Thomas Ains, Aqueduct at Jack's Narrows,	114 62
William Williams, Huntingdon,	3,564 08
John Walker, Hollidaysburg,	3,847 10

John Mathews, Johnstown, Western Division,	875 00
Thomas Johnson, Blairsville,	14,225 00
David Brinneman, Leechburgh,	4,355 85
William B. Foster, Alleghenytown,	4,993 20
John Fowler, Pittsburg Aqueduct,	736 71
Samuel Foreman, Kiskiminitas Aqueduct,	250 83
E. N. Doane, late, Northumberland and Susquehanna Division,	5,440 16
John W. Miles, do. do.	2,117 89
Do. Towing Path Bridge,	112 83
Samuel Headly, Berwick,	3,416 32
Caleb Dusenbery, Easton, Delaware Division,	31,731 46
Charles B. Knowles, New Hope,	1,675 03
William T. Rogers, Bristol,	6,915 65
William F. Swift, late do.	4,503 00
Enoch Davis, Columbia and Philadelphia Rail Road,	3,323 64
John Speakman, late do.	1,678 94
	<hr/>
	\$151,419 69

It will be seen from the above, that the amount of tolls realized, within the fiscal year is \$151,419 69.—Last year the sum taken, in the same period, was \$50,909 57—and from that time until the 1st of January, about 5,000 dollars additional was collected, making in all upwards of 55,000 dollars.—The present year up to *this date*, shows nearly 165,000 dollars accounted for at the Treasury, and a further sum of 30,000 will be realized before the first of January, making in all, 195,000 dollars, more than three times the amount collected in 1832.

The above *facts and figures* are conclusive evidence to the friends of Internal Improvement in this quarter, that the present system is one of sound policy, and will yield in a few years, a sufficiency of revenue to pay the interest upon the money borrowed to complete it. The tolls for the next year, may safely be set down at from 450 to 550,000 dollars.—*Chronicle*.

#### ANNUAL REPORT

*Of the President and Managers of the Union Canal Company, November 19, 1833.*

The regular period prescribed by the charter, for submitting the annual statement of the affairs of the Union Canal Company to the examination of the stockholders, having arrived, the President and Managers have much satisfaction in laying before those interested such information respecting the state of the works, and the improved prospects of the Company, as will go far to verify the predictions continually made, and now about to be realized, concerning the efficiency and utility of this great and expensive undertaking.

The Union Canal opened for navigable purposes on the 20th day of March last, since which time loaded boats have been passing and re passing without interruption, with the exception of a few days, owing to the necessary repairs of lock No. 43 east, which had proved defective in its construction. Notwithstanding the increased and growing trade upon this canal, it is with much pleasure the Board can state, that at no time of this season, has there been any deficiency of water for the passing of the trade; and as measures are now in progress for permanently improving the works, by means of a new cylindrical feeders, not liable to premature decay, or leakage, and having within reach an additional supply of water from the Quitapahilla source, (heretofore untouched,) they are firmly of opinion that no further apprehension need be entertained as regards a full and constant supply of water, sufficient to accommodate whatever number of boats may present themselves.

The tolls received from the 1st of November, 1832, to the 1st of November, 1833, amount to \$103,462 45,



showing an increase over last year's receipts of 75 per cent., the tolls of that year amounting to \$59,061 06—thus establishing the fact that the anticipations of the Company have not been based upon idle or illusory speculations, but founded upon sound and correct calculation. It is a subject of pleasing reflection, not only to the friends of the Union Canal, but to all who feel an interest in the welfare of our State, and of internal improvements, to find that whatever discouragement may cloud the incipient prospects of these great and expensive works, all difficulties may be surmounted by perseverance and good management, and the result prove beneficial and profitable to those who have invested their funds in the undertaking. A large and progressively increasing trade may be safely calculated on from year to year, through this Canal, aided as it will be by the completion of the State canals, and other valuable improvements facilitating and enlarging the transportation to and from the most distant quarters of the commonwealth.

The improvements which have been authorised by the Board of Managers, and which are now being executed, are agreeably to the directions of Canvass White, Esq., who has acted as engineer-in-chief, on the line of the Union Canal.

They consist principally of a new cylindrical feeder, to convey the water of Swatara, lifted by hydraulic machinery, to the summit level. This circular feeder, or aqueduct, will be 3 feet 6 inches in diameter, made of the best white pine plank, three inches thick, jointed, and firmly bound together by iron bands, and will extend from the water works to the summit level, a distance of nearly four miles. It is intended as a substitute for the present open trough feeder, which has become decayed and leaky. It is believed the new plan, when executed, will be a great saving of water, not being liable to leakage, and constructed so as to prevent premature decay, by covering the superstructure with a roof, and defending it from the moisture of the earth beneath.

In addition to the supply of water obtained for the summit by this feeder, another ample resource is at hand. One of the steam engines has been transferred from the water works on Swatara to McLaughlin's pond near Lebanon, for the purpose of throwing into the summit level an extra supply of water, when any apprehension of scarcity is entertained. This pond forms the principal head of the Quittapahilla, the waters of which as yet have been untouched by the Company. From its proximity to the summit (about half a mile) and the abundant supply, so easily obtained in case of need, it is confidently believed, that the canal will at no time hereafter be deficient in water. Particular pains and care will be taken, that this water do not escape by means of leakage, as the bottom of the Canal over this treacherous ground will be doubly lined with plank, which have been purchased and transported to the points where leaks have heretofore occurred. Along the line of Canal a number of new houses, for the accommodation of Lock-keepers, has been erected, which although adding to the expense, were necessary for the prompt passage of boats through the locks, as well as to prevent a waste of water which has frequently occurred by inattention to the gates.

The Rail Road mentioned in last year's report as in progress, has this season been completed under the particular superintendence of Mr. Benjamin Ayerigg, the Engineer, employed by the Company. This Rail Road is now in operation; it runs from the basins of the Canal at Pine Grove to the vicinity of the Coal region, above Pine Grove, and forms a junction with the Lorberry Rail Road, which extends to the Coal Mines. From this quarter, a considerable trade may hereafter be expected, advantageous to the Canal Company, and opening a market for Anthracite Coal, which may be readily transported either to Philadelphia or the Susquehanna Outlet. These improvements and repairs

involved a large expenditure of money. They were however necessary, are of a permanent character, and by the estimation of Mr. Canvass White, were computed at \$103,565.

The Company's pecuniary situation, agreeably to their last Report, was not competent to meet such heavy expenses, and it was deemed proper to ask legislative aid, to enable the Company to surmount these difficulties, and promote an improvement indispensable to the success of the great State Canals. In consequence of the application made to the last Legislature by the Board of Managers, by direction of the Stockholders, an Act was passed entitled, "An Act for the entire abolition of Lotteries," which enactment authorises the Governor to subscribe on the part of the Commonwealth for one thousand shares of the Capital Stock of the Union Canal Company to aid in making the necessary repairs and improvements to the works, and render them more perfect and permanently useful. In payment of this subscription, the Governor was authorised to issue a Certificate of Loan in favor of the Union Canal Company of Pennsylvania for two hundred thousand dollars, bearing an interest of 4½ per cent., payable half yearly on the first days of February and August, the principal to be redeemable at any time after the 10th of April, 1863, and making it the duty of the Company to apply the proceeds of any part of said loan which they might sell exclusively in making and completing the repairs and improvements of the works of the Canal. This Loan was granted with the express condition, that the Union Canal Company should release the Commonwealth from all claims under the Lottery grant, and the guarantee of interest made by the State to the new Stockholders under the Act of the 26th of March, 1821.

Upon the passage of the Act of the first of March last, "*for the entire abolition of Lotteries*," coupled with the condition of the State subscription, the Board of Managers were of opinion, that it would be decidedly the interest of the company to accept the terms of this act, as a mark of deference to the State authorities, and in conformity with the voice of the moral public, which called loudly for the suppression of Lotteries. They therefore, at a special meeting of the Stockholders, called for the purpose of taking the subject into consideration, were authorised by a resolution, to execute, in the name and behalf of the Company, the releases required by the provision of the 3d section of the law. Thus, by accepting these conditions, the company has received the certificate of State Loan for \$200,000, and relinquished the right of raising money by way of Lottery, from and after the 31st day of December next, from which period the Lottery privileges will cease and determine.

Owing to the manner in which the law has been worded, authorising the issuing of the Certificate of Stock, the Governor did not think he was empowered to issue the same, so as to make it divisible or assignable, and the certificate was issued in favor of the Union Canal Company in one entire sum of \$200,000, without their having the power to divide or transfer the same into smaller parts. This defect has prevented the Company thus far from availing themselves of the benefit of the State Loan, as they could not sell or assign the same in portions to suit the wants of the Company. They have little doubt, however, that upon a representation being made to the Legislature, this oversight will be remedied.

In the mean time, to meet the current expenses of the improvements and repairs, the managers were obliged to have recourse to the tolls received on the canal, which have been applied in discharging the debts incurred in the prosecution of the works. These tolls will be replaced to their legitimate objects, as soon as funds can be raised from the disposition of the State Loan.

In conclusion, the Board congratulate the Stockhold-



ers, and the friends of internal improvement generally, upon the fair and pleasing prospect held out by the increasing usefulness of the Union Canal, by its improved condition; by its capacity to pass the largest quantity of tonnage that may present itself; and by its advantageous route in connexion with the State Canals, affording facilities for transportation between Philadelphia and the great West, as well as the northern quarters of our State, which every year's experience teaches us is, and will be a rapidly increasing trade.

The annexed statements exhibit the Treasurer's annual account of receipts and expenditures, also the amount of tolls received, and the quantity of tonnage which has passed the Union Canal from the first day of November, 1832, to the first day of November, 1833.

All of which is respectfully submitted, by order of the Board of Managers.

WILLIAM READ, President.

Statement of the whole amount of tonnage which passed the Union Canal from the first of November, 1832, to the first of November, 1833, amounting to 85,876 tons, 6 cwt. 2 qrs.

	Tons,	cwt.	qrs.
Flour, 70,595 barrels, (weighing)	6,723	5	3
Wheat and Rye, 324,260 bushels	8,106	10	0
Whiskey, 12,408 barrels	1,551	2	0
Iron, bar, pig, and castings	7,295	2	0
Iron Ore	2,306	10	0
Coal, bituminous and anthracite	5,488	3	0
Lumber, 14,677,750 feet	14,677	15	2
Shingles, 5,991,600	2,995	16	1
Staves,	188	8	3
Gypsum,	12,558	13	0
Fish, 14,370 barrels	1,916	5	0
Salt, 124,200 bushels	3,104	19	1
Merchandise,	9,154	7	1
Sundries, consisting of corn, flaxseed, tobacco, hemp, clover seed, lard, butter, limestone, marble, bricks, leather, pork, &c.	9,809	8	3
	85,876	6	2

Amount received in cash for tolls, \$103,462 45

From Poulson's American Daily Advertiser.

# EXHIBITION OF THE BLIND,

At the Musical Fund Hall, Nov. 21, 1833.

At an early hour on the above evening, we attended at the place appointed for this novel and interesting spectacle, to witness a display of mental and physical powers, which exceeded the most sanguine expectations of the very large and highly respectable audience assembled on the occasion. We were forcibly struck with the tasteful display of articles manufactured by the blind pupils, the effect of which was heightened by the judicious arrangement of causing the company to enter at the southwest corner of the room. Our gratification was still farther increased at witnessing the rapid succession in which groups of expecting and surprised visitors arrived, and disposed themselves in compact order, till the room was completely filled by at least fifteen hundred persons.

A general expression of satisfaction pervaded the whole assembly, at the display of workmanship on the stage; but this feeling gave place to a deeper one of sympathetic sorrow, on the entrance of Mr. Friedlander, with his blind pupils. It is impossible to convey an idea of the impression made by their apparently forlorn and desolate situation; an attempt was made to greet them in the usual manner by clapping; but this was smothered by the warm gush of other feelings than those of mere satisfaction or hearty welcome. The mute eloquence of the fair portion of the audience was sympathetic; and, we should trust, was found acceptable by that Being who is alike invisible to the seeing and the blind.

On the right and left of the stage were erected narrow strips, about ten feet long, one above the other, to the height of about twenty feet from the floor, on which were hung guard chains, many of which were made of gold and silver braid, interwoven with silk braids of various colors, descending in festoons from the top strip in the centre, to the ends of the horizontal strips, beneath these festoons were arranged lamp stands and straw table mats, of different patterns, made by the female pupils, both sides of the bannisters of the stage were hung with small baskets, the whole entwined with fringe of different colors, such as is used for the trimmings for the lamps, stands, &c. The organ at the back part of the stage was also tastefully decorated with baskets of different shapes and sizes. The frame on the left was surrounded by a lady's green silk calash, the work of Sarah Marsh, a most interesting girl, who subsequently astonished us by her correct execution on the piano forte, in which she exhibited a knowledge of the keys, or scales in music, seldom to be met with in clear-sighted persons of much longer practice. The piano forte was on the left; behind it were placed, on easels or stands, maps of the world and United States—on which the rivers and boundaries of countries and states are made tangible by perforating the outlines from the back of the map—this method, we understand, has been preferred by the principal to any other, as it presents all the advantages to a blind person that a seeing person possesses, it being requisite only to perforate any place on the map and name it to the pupil; which fixes it permanently in his mind.

We also observed two boards of tangible characters, one containing the complete scale of natural notes in music, arranged for treble, tenor and base, beneath which is placed an exact representation of the key board of the piano forte and guides of direction leading up to each note in either of the staves above; this we believe is something quite new, and admirably adapted for the instruction of the clear-sighted as well as the blind. The other board contains the time, table, and all the signs and marks in music in general use; the arrangement of this board is also new and somewhat unique, as it presents, in a small space, the most comprehensive view of all the signs and different times of music that we ever saw. There were two black-ended boards for writing on, and various other articles for aiding in their instruction, distributed on the other parts of the stage.

We had no conception that so much had been done in so short a time, considering that nine months ago the institution was not in existence.

The exhibition commenced by the pupils performing the music to the following hymn, written for the occasion, with original music.

O, thou great and gracious Being,  
To all creatures ever kind!  
Source of vision to the seeing.  
Friend and father of the blind!

Joys of sight! they are denied us;  
Let thy holy will be done!  
In our blindness thou wilt guide us,  
Thou, O God, our light, our sun!

Through the sounds that fall and linger  
On the eager, listening ear;  
Through the quick-discerning finger,  
Bidding darkness disappear.

Thro' the friends whom thou hast given,  
And whose hearts thy love controls,  
Thou art pouring down from heaven,  
Learning's light upon our souls.

Now no ills our hearts shall sadden,  
They shall know no painful fears;  
Though our eyes no sunbeams gladden,  
They shall stream no more with tears.



Both music and hymn being original and written for the occasion. They appeared, however, disconcerted at the concourse of persons which they were sensible had assembled to witness their performances. However, as they proceeded, they gained confidence, and more than realized all expectations of what they were able to do, if properly educated, and their minds directed from their unfortunate situation.

Next followed exercises in a knowledge of the alphabet. Mr. Friedlander led his youngest pupil, Wm. Hatz, to the front of the stage, and handed him several letters of the alphabet, cut in relief on blocks, of which he evinced a ready knowledge. Another pupil, J. B. Martindale, who had been in the institution but fifteen days, exhibited his knowledge of the letters by placing them on a board and spelling short sentences. They then proceeded to reading from tangible letters, executed by the pupils themselves, with *pin types*, which are small pieces of wood, about two inches long and three-eighths of an inch square. On the lower end which rests in the box, (which is laid at the right hand of the pupil,) is the shape of the letter reversed, formed of steel points, and on one side of the block is cut in relief the form of the letter, so that when the pupil passes his hand along a row of them in the box, he readily finds any letter he may want, which he transfers to a small rack, closed down over a board covered with cloth, and under this rack, on the top of the cloth, is placed a sheet of paper, through which the pupil presses the points of the pin type, and in this manner transfers his ideas to paper, which then becomes palpable to the seeing, as well as to the touch of the blind.

Specimens of this printing were handed about the company, and it was pleasing to witness the impatience of ardent curiosity in many who were delayed from its gratification by their remote situation from the gentlemen who handed them around. We were then not only gratified, but indeed astonished, to witness the facility with which one of the pupils, (we believe Wm. Graham,) wrote with chalk a large portion of the Lord's prayer, on one of the blackened boards. This was indeed wonderful, and evinced that great patience and perseverance must have been employed on the part of Mr. Friedlander, to produce such a gratifying and important result. Sarah Marsh, Abraham Marsh, and Henry Beaver, also gave us some beautiful specimens of their writing, in like manner on the board.

The instruments of music were now seized with an avidity which convinced us the pupils take an uncommon delight in their use. They performed the original music of the following hymn in a style which considerably exalted our opinion of their talents.

#### HYMN,

Written for the use of the pupils, with original music.

1. Blessings on thee! gracious Lord!  
Ev'ry child shall bless thy name,  
For each kind and gentle word,  
When to thee the children came.
2. Happy child! upon whose head,  
As he sat upon thy knee,  
Thy kind hand was softly laid,  
Blessing him paternally!
3. Hark! that voice is rais'd in prayer,  
Which could still the tempest wild;  
Lo! that mighty hand is there,  
Laid in blessing on a child!

The hymn (which is also original and written for their use) was received with every proper demonstration of delight, and this impression was not in the least weakened by their musical performances afterwards. Our surprise and pleasure were greatly enhanced by the exercises in arithmetic, mentally, and with tangible figures on blocks by all the pupils, except Martindale, viz. Wm. Hatz, Geo. Rafferty, Mary Mallett, Sarah

Marsh, Theodore Myers, Beniah Parvin, Henry Beavers, Ab'm Marsh, Jos Hough, and Wm. Graham.

We were amazed at the rapid mental operations of several of the pupils, particularly the multiplication of millions, thousands and hundreds, in less time than we ourselves could do it by the common mode, and many difficult questions proposed by the audience were answered with great rapidity by the pupils, indiscriminately.

The exercises in arithmetic were followed by the performance of the following hymn by all the pupils;

#### HYMN.

1. Father of mercies! in thy word,  
What endless glories shine!  
Forever be thy name ador'd,  
For these celestial lines!
2. Here may the wretched sons of want  
Exhaustless riches find:  
Riches above what earth can grant  
And lasting as the mind.
3. Here the fair tree of knowledge grows,  
And yields a free repast:  
Sublimers sweets than nature knows,  
Invite the longing taste.

Whatever pleasure or gratification may have been produced, it was certainly much increased by the examination of all the pupils in Geography, illustrated with maps of the Globe and the United States. Several of them exhibited a boldness and promptness in their answers which would at any time reflect credit on older clear-sighted pupils. We must particularly notice Abraham Marsh, who really seems to be a second Malte Brun, in embryo, from the unhesitating manner in which he answered a string of rapid interrogatories, respecting towns, cities, boundaries of states, courses of rivers, &c.

Much of the detail and mode of operation in spelling and writing, was, of necessity, very slow, and if done by seeing persons, would have excited a spirit of restlessness and fatigue in the audience; but on the present occasion nothing of the kind was evinced.

We come now to speak of the *musical exercises*, which commenced by an examination of several in notation, the time table, musical signs, etc. Next followed a lesson by William Graham and Abraham Marsh, on the piano forte, then exercises in different scales or keys, on the same instrument, by Sarah Marsh, of which we have already spoken in terms of commendation. These were succeeded by a lesson performed by Sarah and Abraham Marsh on the piano forte. It was evident that the admiration of the audience increased as the pupils advanced with this part of the exhibition, but our rapture was loud and unbounded when we saw an orchestra of young blind musicians arranged with Parvin as leader, next Beavers and Myers, all three with violins; then Marsh with his flute, next Hough with his grave and sober toned violoncello, and last, though not least, Graham with his favorite horn, from which he poured forth occasionally a succession of tones so managed as to produce expressions of admiration from critics in musical performances.

Their execution of 'Di Tanti Palpiti,' would certainly reflect honor on older musicians, playing from copy by sight. The 'Swiss Boy,' with variations, performed by the whole orchestra, assisted by Sarah Marsh, who presided at the piano forte, was uncommonly fine, and a repetition called for. But the applause elicited by this performance was increased with the accurate execution and repetition of the 'Alpine Melody.' Their style of execution generally reflects much credit on Mr. Friedlander, for his assiduity and care; and also on Mr. Schmitz, for his voluntary instruction and untiring patience in aiding Mr. F. to promote the improvement of the pupils in their favorite art. The exercises occupied three hours, and concluded with the follow-



ing hymn, played and sung with much accuracy and spirit.

#### CONCLUDING HYMN.

Saviour! source of every blessing,  
Tune my heart to grateful lays;  
Streams of mercy, never ceasing,  
Call for ceaseless songs of praise.

To conclude, in the language of Mr. Friedlander's address, "a benign Providence, which has vouchsafed to extend its blessings over all the various institutions for the education of blind children in so many different states, will also prosper this infant institution of Pennsylvania."

#### MECHANICS UNION.

Pursuant to an invitation given to the several Trade Societies of Philadelphia, to appoint three delegates, each to meet in convention for the purpose of considering the propriety of forming a general trade union—The Delegates representing the Tailors—Book-binders—Cordwainers' Societies, met at the Military Hall, Library street, on Thursday evening, the 14th inst. and organized by appointing Wm. C. Doores, Chairman, and Wm. English, Secretary.

The objects of the Convention being stated from the Chair, the following resolutions were unanimously adopted.

Resolved, That for the purpose of mutual protection it is essentially necessary to form a General Trade Union, on a similar basis to those already in existence in New York and Baltimore; and that the same be recommended to the immediate consideration of the respective trade societies.

Resolved, That the several Trade Societies now in existence, be respectfully requested to appoint three delegates to meet this Convention at its next meeting; and those trades not having societies be solicited to form themselves as soon as practicable, and appoint delegates to meet as above.

Resolved, That the Editors of this city be respectfully requested to publish the proceedings in their respective papers, until the Union is fairly organized; after which such favour will be freely paid for.

On motion, The Convention adjourned, to meet on Tuesday, the 26th inst. at 7½ o'clock, at the Military Hall, Library street.

WM. C. DOORES, Chairman.

WM. ENGLISH, Secretary.

#### PUBLIC RESPECT TO HENRY CLAY.

The following resolution was on Thursday evening, 21st inst. unanimously adopted by the city Councils.

Whereas, as it is understood that the Hon. HENRY CLAY is about to visit this city, and whereas it is conceived to be meet to do honor to citizens who have distinguished themselves by important services to the Republic,

Therefore, Resolved, That the Select and Common Councils of the city of Philadelphia, will wait upon Mr. Clay during his sojourn in the city—with a view of tendering to him as a distinguished public benefactor, their respectful salutations, and that a committee of three members of each Council be appointed to wait on Mr. Clay, and ascertain the time when it will be convenient for him to receive the Councils, and also tender him the use of Independence Hall, in which to receive his fellow citizens.

And that the Presidents of Councils, be two of such committee.

Select Council—Eyre, Lewis, M'Credy.

Common Council—Chandler, Warner, Frith.

This distinguished man arrived at Kensington early on Saturday afternoon. Immediately on landing, he

was received and heartily greeted by a vast concourse of citizens. He was escorted through the city to his lodgings, at the United States Hotel, by many hundreds of citizens in carriages and on horseback. Mr. Clay rode in a handsome barouche drawn by four beautiful cream-colored horses.

The City Authorities made arrangements to pay their respects to Mr. Clay, at the Hall of Independence, on Tuesday morning, at 11 o'clock.

The members of the corporations of the adjoining districts were respectfully invited to attend; and also such citizens of the city and county as were disposed to unite in this mark of attention.

On entering the Hall of Independence on Tuesday, Joseph R. Ingersoll, Esq. President of the Select Council, tendered to Mr. Clay the salutations of the city authorities in the following address.

It is my very pleasing duty to offer you in the name of the Select and Common Councils of Philadelphia, a kind and cordial salutation. Your individual worth has rendered you familiar with the voice of welcome, it is the voluntary tribute every where paid to your character as a man. But I am commissioned to add on this occasion, an expression of the high respect and fervent gratitude which you have inspired as a citizen and a patriot.

This community in common with the whole American people, has witnessed in your career of public duty, much to applaud and admire. It recollects you as presiding with impartiality and dignity over one of the great Councils of the nation, and infusing your energy and wisdom at different periods into the deliberations of both. It honors you as the eloquent and successful advocate of freedom;—as the firm and enlightened representative of your Country abroad, and the distinguished head of a most important department of its government at home. These are purely retrospects. But transactions to which they look have filled for you a large measure of fame; and they have excited among your countrymen, a corresponding degree of gratitude. In deserving the one and acknowledging the other, we do but exchange a pledge of mutual attachment and regard. Suffer us to hope that it may be no less a pledge of the continued and united exercise of talents and intrepidity on your part, and of cordial co-operation and thankfulness on ours.

To which Mr. Clay replied—

Mr. President—I am highly honored and greatly favoured by this friendly reception, in the ever memorable Hall of Independence, and by the cordiality with which, on the present and a recent occasion, my arrival in Philadelphia has been so warmly cheered and spontaneously welcomed by my fellow citizens generally. And I request you, sir, and the other public authorities, and the whole of the inhabitants of the city, to accept my profound acknowledgments for the numerous demonstrations of kindness, and respect towards me, which I have constantly witnessed. I hope, indeed, that I may be allowed here to express my deep and heart-felt obligations for the cheering salutations and friendly greetings which, during the whole progress of a long journey, I have every where received from my fellow citizens, without exception of age, of sex or party.

Although the objects, with which this journey was undertaken, were of a private nature exclusively, and I did not anticipate, at its commencement, the public character, which, involuntarily on my part, it has been made to assume, the manifestations of esteem and regard, which have marked it throughout, have been inexpressibly gratifying, and will be ever most gratefully remembered. I have no other than a humble claim to them, founded upon ardent zeal, purity of purpose and long public service, in the support of our civil institutions, great principles and important measures of national policy. But much as I appreciate the personal







## HAZARD'S

# REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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### REPORT

*Of the Committee on Premiums and Exhibitions of the Franklin Institute.*

To the Board of Managers of the Franklin Institute of the State of Pennsylvania for the promotion of the mechanic arts, the committee on premiums and exhibitions, respectfully report:

That the eighth exhibition of American manufactures was held at the Masonic Hall in this city, from the 1st to the 5th of October inclusive, during which time it was visited by a very large number of our fellow citizens. The receipts at the door of the rooms amounted to the sum of 1386 dollars and 26 cents, showing that upwards of eleven thousand persons paid for admission; if we add to this number the members of the Institute, the depositors of goods, and the persons permitted to be introduced by them, the whole number of visitors could not have been less than fifty thousand.

That our exhibitions continue to be highly appreciated by the public, is a source of satisfaction to the committee; but the most gratifying evidence afforded by this one, is the very general improvement in our manufactures, as asserted by the judges appointed to examine and report on the various articles in the collection. We have now afforded to us a striking proof that articles of manufactures necessary to comfort, convenience and even to luxury, can be produced by the skill and industry of our own artisans, affording a powerful addition to the means of independence possessed by our common country.

Strangers have frequently observed in viewing the specimens submitted at our exhibitions "are these of American manufacture," evidently doubting the ability of the country to produce the articles before them, but when assured that none but American manufactures were permitted to be introduced, their doubts have been removed, their prejudices exploded, and they have carried to the various sections of our country, information and knowledge of the most beneficial kind, and their testimony of what they have here seen has in many instances been productive of useful results.

There is still another circumstance connected with this exhibition that affords substantial evidence of the prosperity of our manufactures. It is the great addition to the variety of articles produced, the specimens exhibited exceeded in number those of the seventh exhibition by one hundred and seventy-two, and in several instances, for want of room, samples only, of articles which were required to be exhibited in quantities, could be displayed.

Annexed the committee present a list of premiums, which they consider to be due according to the printed list communicated to the manufacturers previous to the exhibition. This list embraces the medals which it has been judged proper to award for articles not enumerated, in the list just referred to, but which are considered by the judges to merit this mark of approbation. These premiums the committee request the Board of managers to award.

### ON COTTON GOODS.

1. Premium No. 58, is due to Peter H. Schenck & Co. of New York, for specimen No. 384, 4 pieces Beau-

verteens, which are of a good and substantial quality, and adjudged to be much superior to most of the imported article.

2. Premium, No. 61, is due to William Amond, of Philadelphia, for specimen No. 12, 1 piece of power loom woven Marseilles, which is considered by the judges to be a very fair effort, and an evidence that the manufacturer has ability to produce a better article.

3. Premium, No. 63, is due to the Bristol Print Works, Rhode Island, for No. 55, 10 pieces furniture chintz; the colours in these goods are vivid and the patterns showy. In this article, the judges are of opinion, there is an evident improvement.

4. Premium, No. 64, is due to the Merrimack Manufacturing Company, Lowell, Massachusetts, for No. 263 and 264, 30 pieces rich chintz prints, of superior excellence in style; and displaying colours of great brilliancy.

5. Premium No. 72 is due to Joseph Ripka, of Philadelphia, for No. 24 and 25, Canton crape, and Canton cord. These are exceedingly good imitations of the foreign article, and very durable and desirable goods.

6. Premium No. 94 is due to the York manufacturing Company, Albany, N. Y. for Nos. 53 and 54, 40 pieces of brown and bleached Canton flannels, a superior fabric of uncommon regularity of nap, and presenting a beautiful smooth surface.

### WOOLLEN GOODS.

7. Premium No. 81 is due to the Great Falls manufacturing Company, Somersworth, N. H. for 244 and 245, 6 pieces blue cloths, at 3 dollars per yard. These goods are pronounced to be well made and well finished.

8. Premium No. 95 is due to David Knowles, of Blockley, Pa. for No. 11, 7 pairs Woollen and Cotton Blankets. Of these goods the judges say that they deserve unequalled commendation; the article appears to combine warmth with lightness, and the union of the two materials for that purpose, accomplishes a desirable object.

9. Premium No. 92 is due to the Buffalo Woollen manufacturing Company, Buffalo, New York, for No. 524, Wilton super Blankets. These are not surpassed by any article of blanketing which have ever been seen by the committee of judges; the whiteness and fleecy character of the fabric deserve especial notice.

10. Premium No. 80 is due to Wethered & Brothers, of Baltimore, for No. 457, 1 piece of superfine blue cloth, which is well made, and in the opinion of the judges, the best specimen in the exhibition.

11. Premium No. 82 is due to the Great Falls manufacturing Company, for No. 239, 240 and 242, fancy colours, broad cloths: the dye is adjudged to be good, the texture fine, and the finish free from objection.

12. Premium No. 83 is due to Sam. Slater & Sons, of Webster, Massachusetts, for drab and mixed cloths. These goods are highly commended for color, texture and finish.

13. Premium No. 78 is due to Churchill Houston & Co. of Groveville, N. Jersey, for mixed sattinets. Taking into view the quality of the wool of which these



goods are manufactured, they are considered the best ever exhibited.

Honorary mention is due to the Middlesex manufacturing Company, Lowell, Massachusetts, for 238, striped cassimeres, which for closeness of texture and neatness of finish are highly commended by the judges.

Honorary mention is due to Wethered & Brothers, of Baltimore, for No. 565, one piece of Black cassimere. This is spoken of by the judges as being equal in all respects to any Cassimere exhibited.

Honorary mention is due to T. R. Fisher, of Wakefield mills, near Germantown, for 1 piece double milled Drab Cassimere, which the judges pronounced to be a well manufactured, and a very superior article.

Honorary mention is due to H. Hudson, of Long Island, New York, for No. 272, 1 piece twilled Felting, for paper makers, is adjudged to be a well made article, and appears to be adapted to the purpose for which it is intended.

Honorary mention is due to the Salmon Falls manufacturing Company, New Hampshire, for No. 387 and 388, 7 pieces Brown Cloths. These goods are highly commended by the judges for lustre and richness of finish; they say they have examined them with satisfaction and commend them with great confidence.

#### CARPETS.

14. Premium No. 87 is due to the Lowell Carpet Manufacturing Company, Massachusetts, for No. 29, 3 pieces Superfine Ingrain.

15. Premium No. 89 is due to John Humphreys, of West-farms, New York, for No. 31, 4 pieces Brussels. Speaking of these specimens of Ingrain and Brussels carpeting, the judges say these goods are of excellent quality and style, and satisfactory assurances have been received, that they are exclusively of American workmanship throughout all the processes, from the raw material to the finished product of the loom.

Honorary mention is due to Willey & Cooper, of Brooklyn, New York, for No. 429, 4 pieces of Floor Oil Cloth, which are considered equal in quality to any now or heretofore exhibited, and superior in style, having a close resemblance to Brussels Carpeting.

Honorary mention is due to the Lowell carpet manufacturing Company, of Massachusetts, for the very rich display of Wilton Rugs; these exhibited a very great improvement in this branch of manufacture.

The Committee need not forbear mentioning a very elegant Tufted Rugs manufactured by Isaac M'Cauley, of Philadelphia; these are judged to be superior to any exhibited, and had they been deposited within the specified time, the award of a medal would have been recommended.

#### SILK GOODS.

Honorary mention is due to the New York Dying and Printing Establishment, for No. 342, specimens of printing on silk handkerchiefs.

Honorary mention is due to James Heald & Harris, of Philadelphia, for No. 720, and 721, specimens of printing on Silk Handkerchiefs and Crape Shawls.

Honorary mention is due to Micajah Burnet, of the United Society of Shakers, Pleasant Hill, Kentucky, for a Silk Handkerchief. This article is well made from silk raised in their settlement.

#### STRAW BONNETS.

16. Premium No. 90 is due to Mrs. E. Henley, of Philadelphia, for No. 375, 3 Straw Bonnets. These are adjudged to be very superior in quality, and made with great neatness. It is to be regretted that the maker of the plat of which these Bonnets is composed, cannot be ascertained by the Committee, as an honorary mention of the individual is richly merited.

Honorary mention is due to Mehitable H. Sears, of Prescott, Massachusetts, for No. 492, a specimen of Leghorn Braid for Bonnets: this is commended by the judges as worthy of high praise.

Honorary mention is due to Mrs. Jane L. Seddinger, of Philadelphia, for No. 491, 1 Leghorn Bonnet; much

taste has been displayed in the making up of this bonnet.

Honorary mention is due to the Pennsylvania Institution for the Deaf and Dumb, for No. 441, a Straw Bonnet made by the pupils of that Institution, from the raw material; the judges think this a very creditable specimen of this species of manufactures.

#### IRON AND STEEL.

Honorary mention is due to the Proprietors of the Cumberland Iron Works, Tennessee, for their specimens of rolled Iron. The judges pronounce this article as fully comparing with the English Chain Cable Iron, both for strength and ductility.

#### SURGICAL INSTRUMENTS.

No specimens of Surgical instruments were exhibited, except those manufactured by Wiegand and Snowden, and as Mr. Weigand is a member of the Board of Managers, the judges are precluded from noticing them.

Honorary mention is due to Joseph McIlhenny of Philadelphia, for No. 460, a case of artificial teeth, these teeth, the judges say, deserve a favourable notice for the perfection of their forms, the excellence of their colours, and the great smoothness of the enamel.

#### HARDWARE.

17. Premium No. 25 is due to Isaac Babbet of Taunton Massachusetts, for No. 61, 12 specimens of Tinned Cast Iron Hollow ware. The judges are of opinion that these are equal to any thing of the kind they have ever seen imported.

18. An extra premium is due to Matthew Henry Webster and Lewis C Beck, of Albany, New York, for No. 51, seven Cast Iron Skillets, coated inside with porcelain. These specimens were much admired, and, are a favourable evidence that the maker of them is about to introduce a new and very desirable article.

19. Premium No. 30 is due to Holmes, Hotchkiss, Brown & Elton, of Waterbury, Massachusetts, for several bundles of Brass and Copper wire: these are reported by the judges to possess all the qualities of a good article.

20. No. 34 is due to Dunlop, Madeira & Co. of Chambersburg, Pennsylvania, for No. 64, Edge tools for Carpenters and Joiners. Of these articles the judges remark that "they are not only well formed, but well finished, the best specimens of the kind heretofore exhibited, and as far as they are able to judge, the quality will correspond with the shape, form and finish of the specimens."

21. An extra premium is due to T. & B. Rowland, of Philadelphia, for No. 86, 5 Shovels, highly commended for their good qualities.

22. An extra premium is due to William Rowland, of Philadelphia, for No. 410 to 414 inclusive, an assortment of Mill Cross cut Tennon, and Pit Saws; these are adjudged to be first rate articles, and the best exhibited.

23. Premium No. 26 is due to Seth Boyden, of Newark, N. J. for No. 8, various specimens of malleable Cast Iron. Of these the judges express the opinion that their malleable and tenacious qualities are equal to any imported articles.

Honorary mention is due to Crockett & Boyden, of Newark, N. J. for No 552, various specimens of malleable Cast Iron. These are adjudged to be quite equal to the last mentioned articles, but were not exhibited in quantity sufficient to compete for the medal.

Honorary mention is due to T. V. Blakemore, of Philadelphia, for No. 162, 2 Japanned Waiters. The Japanning of these goods does credit to the artisan, and shows a great improvement on those exhibited on a former occasion; had the Waiters been made of American sheet iron, a medal would have been awarded.

Honorary mention is due to John Garrett of Philadelphia, for No. 6, a card of Dental Files, of which the judges remark that they are equal to the English.



Honorary mention is due to David Bassett, of Derby, Connecticut, for No. 44, 25 Screw Augers. These are an excellent article, and to every appearance, of a superior quality, the workmanship reflects credit on the manufacturer.

Honorary mention is due to J. M. & W. H. Scovill of Waterbury, Connecticut, No. 124, a specimen of Plated Metal. This is pronounced to be an excellent article; it can be made as cheap as the imported, and in sufficient quantities to supply the demand.

Honorary mention is due to Rockwell & Hensdale, of Winchester, Connecticut, for No. 284, 9 Scythes; these are a specimen of good workmanship, and equal to those imported.

Honorary mention is due the proprietors of the "Mill Dam Foundry, near Boston, for No. 474 to 476, 7 dozen Plane Irons, to every appearance, a first rate article: the judges express a hope that all Planes hereafter exhibited, may be finished with American manufactured iron.

Honorary mention is due to Robinson Jones, & Co. of Attleboro', Massachusetts, for No. 368, one case of Gilt Buttons: this is a specimen of well finished goods, and of superior gilding.

#### MODELS.

An honorary mention is due to J. Millington, of Philadelphia, for models of the Steam Engine; the execution of these models was remarkably neat, and one of them attracted particular attention from its finish.

#### PHILOSOPHICAL APPARATUS.

An honorary mention is due to Alva Mason, of Philadelphia, for various articles of Philosophical Apparatus, which the judges are of opinion fully sustain the high character which Mr. Mason has attained in his branch of business.

Honorary mention is due to Josiah Loring, of Boston, for three Globes deposited in the exhibition: of two of these it is remarked by the judges, that the execution of the maps is good; their covering of varnish remarkably smooth and transparent, and the mounting generally well executed; the third with an "ivory surface," is particularly commended.

Honorary mention is due to John Marshall, of Philadelphia, for Apothecaries' Balances, the workmanship of which is said by the judges to be very creditable to Mr. Marshall.

#### RIFLES.

24. Premium No. 6 is due to Jacob Kuntz, of Philadelphia, for No. 716, a Rifle, combining the usual good qualities of the price, with excellent workmanship and finish.

#### LAMPS.

25. Premium No. 19 is due to C. Cornelius & Son, of Philadelphia, for the best and most extensive variety of Lamps; the mantel Lamps were particularly admired, the brass castings are graceful and durable, and exhibit a great richness of hue. The Bronzing is decidedly superior to that of former specimens.

26. An extra premium is due to the New England Glass Company, Boston, for the Glass Mantel Lamps. The cut pillars, icicles, and other pendulous ornaments, of these splendid Lamps, are the first of the kind presented to the public from American sources, and they bear a strict scrutiny for transparency, lustre and workmanship.

Honorary mention is due to J. W. & E. Kirk, of Philadelphia, for several Lamps and other articles of Anthracite Coal; these are considered as showing a great improvement over similar articles reported upon at the last exhibition.

#### MUSICAL INSTRUMENTS.

27. Premium No. 24 is due to Thomas Loud, of Philadelphia, for the best square Piano, the Cabinet work of which is Oak, the growth of the United States.

Honorary mention is due to Nunns, Clarke & Co. of New York, for a square Piano, the cabinet work of which is of Maple. Of the qualities of this Instrument the judges remark that it is so nearly equal to that made by Mr. Loud, that they experienced difficulty in deciding between them.

Honorary mention is due to E. N. Scherr, of Philadelphia, for a square Piano, which was adjudged to be the best instrument of the kind presented at the exhibition. It is however said to possess an advantage over the other, from the fact that the treble part was three stringed.

#### CHINA, GLASS AND QUEENS-WARE.

28. An extra Premium is due to the Boston and Sandwich Glass Company for No. 216, various specimens of pressed Glass: these the judges think have very considerably improved since our last exhibition.

29. Premium No. 16 is due to F. A. Marston, of Baltimore, for the best Cut Glass, which is reported by the judges to be equal to any similar article they had ever seen imported, for form, accuracy of cutting, brilliancy of colour, and highly finished polish.

Honorary mention is due to the American Pottery company of Jersey City, for specimens of American Queensware. This article the judges esteem the best specimens they have ever seen of American manufacture.

Honorary mention is due to Joseph Hemphill, of Philadelphia, for No. 76, various samples of American Porcelain—in the moulding and glazing of which great improvement has been made since the last exhibition; the body of the article is considered equal if not superior to that of the imported.

#### MARBLE.

30. Premium No. 101 is due to Malloch, Purves & Malloch, of Philadelphia, for two Mantels entirely of Pennsylvania clouded marble, beautiful specimens of material, well matched, firmly put together, and highly polished, considered by the judges the best in the exhibition.

Honorary mention is due to Peter Fritz, of Philadelphia, for two mantels of the same pattern as the preceding pair, of good marble and workmanship.

#### HATS AND CAPS.

Honorary mention is due to A. Russel & Co. of Philadelphia, for several specimens of Hats and Caps; these are considered very creditable to the manufacturers, and the hats would have been entitled to the premium could the terms to supply the requisite quantity be complied with.

Honorary mention is due to Thomas Elmes & Co. of Philadelphia, for specimens of Silk Hats and Fur Caps: these are considered very well and handsomely made, and in all respects entitled to commendation.

Honorary mention is due to Joseph Chandler Smith, for specimens of black Fur Hats, No. 559, adjudged the best in the exhibition for the price.

#### BOOKS AND STATIONARY.

Honorary mention is due to Wm. F. Geddes, of Philadelphia, for Nos. 533 and 545, specimens of printing in gold, silver and bronze: these are adjudged to be very elegant, and creditable evidences of the advanced state to which the Typographic art has arrived in our country.

Honorary mention is due to Desilver, jr., Horse & Lindsey, of Philadelphia, for No. 320, a Journal and Leger, the binding of which is executed in a very superior manner, and the ruling and faint lining the judges declare to be the best they have ever noticed.

Honorary mention is due to James M. Porter, of Easton, Pennsylvania, for specimens of School Slates manufactured by him, from the quarries in Northampton county, Pa.



## PAPER HANGINGS.

Honorary mention is due to Beaty & Arey, of Philadelphia, for various specimens of Paper Hangings, which show an evident improvement in this branch of American manufactures.

## SHOES.

Honorary mention is due to Samuel D. Breed, of Philadelphia, for his Gum Elastic Shoes, with leather soles cemented to them: the judges are of opinion that by this invention, the only disadvantage attendant on the use of these over-shoes is completely obviated.

## FINE ARTS.

31. An extra premium is due to William J. Mullen, of Philadelphia, for two gold Watch Dials. These, which are said to be the first successful attempt to compete with foreigners in this branch of the mechanic arts, are highly deserving of notice, for beauty of workmanship, chasteness of design, and elaborate finish.

32. An extra premium is due to Asa Spencer, of Philadelphia, for specimens of Metal Ruling: these splendid imitations give to a flat surface an appearance of all the relief possessed by the best medals, and in so perfect a manner, as not to be distinguished from them, without the nicest scrutiny.

33. Premium No. 98 is due to S. R. Mason, of Philadelphia, for the best perspective drawing of Machinery: the judges speak of this in terms of high commendation, both for the faithfulness of the design, and the excellence of the execution.

Honorary mention is due to Wm. D. Parrish, of Philadelphia, for a perspective drawing of an Electrical Machine. A very beautiful performance, which reflects credit on the artist.

Honorary mention is due to William Newlan, of Philadelphia, for specimens of Mould Carving, which exhibit excellent workmanship, and must prove highly acceptable to all concerned in ornamental casting.

## FANCY ARTICLES.

Honorary mention is due to John Yard, jun. of Philadelphia, for No. 428, a case of Fancy Pearl Work: the judges recommend these articles to particular notice, for the skill displayed in a new branch of manufacture, and the comparatively low price for which the articles exhibited are sold.

Honorary mention is due to the Institution for the Instruction of the Blind, Philadelphia, for Nos. 579 and 580, six Baskets and one Guard Chain: these are considered worthy of notice from their intrinsic merit, and still more so, from the proof they afford of the great value of the Benevolent Institution, under whose auspices they have been sent to the exhibition.

Honorary mention is due to the United Society of Shakers, of New Lebanon, New York, for a variety of useful articles, manufactured by them, and deposited by Gideon Cox.

Premiums were offered for several articles, of which models and specimens were exhibited, but as they require more time to test their utility, than has elapsed since the exhibition, the committee have omitted to enumerate them, but will submit a separate report on those subjects, so soon as the judges shall have reported to them.

From the great extent of the catalogue of the exhibition, the committee are reluctantly compelled to omit mentioning in their report, many valuable and interesting articles which enriched the collection; but as the reports of the judges will probably be published, which in many instances treat of the articles in detail, and speak of them with justice and candor, it is believed that a more particular report from this committee would be unnecessary.

The medals which are recommended by the committee to be awarded by the Board, they believe can be

procured, without difficulty, in time to be distributed to the successful competitors, at the delivery of an address for which the Board have made arrangements.

In closing their report, the committee would do injustice to their own feelings, were they to omit to mention the great obligations, which they, in common with the Institute, are under to the numerous friends who so promptly responded to their request, to act in conjunction with them, as a committee of arrangement, their attention to the arrangement of the rooms, and the manner in which the goods were displayed, deserve commendation and thanks.

To the gentlemen who undertook the delicate and difficult task of Judges, the committee feel themselves also under great obligations; the labour bestowed in their examination of the articles, and the impartiality of the decisions in relation to their merits, were highly creditable to the different committees.

The depositors of goods on this occasion, have come forward with a spirit worthy of our highest praise; the considerable expense incurred in many cases, in sending their productions to the exhibition, will, your committee trust, be more than compensated, by the good effect produced on the public mind by the rich display of the manufactures of our country, which such co-operation alone enabled the Institute to furnish.

All which is respectfully submitted by

SAMUEL J. ROBBINS,  
WILLIAM H. KEATING,  
FREDERICK FRALEY,  
M. W. BALDWIN,  
JOSHUA G. HARKER,  
ISAIAH LUKENS,  
ALEXANDER FERGUSON,  
J. HENRY BULKLEY,  
ALEXANDER MCCLURG,

Committee on Premiums and Exhibitions.

Published by order of the Board of Managers.

ALEX. DALLAS BACHE, Ch'n.

W. HAMILTON, Actuary.

From the Philadelphia Gazette.

## PROCEEDINGS OF COUNCILS.

## SELECT COUNCIL.

Thursday evening, Nov. 21.

The Select Council concurred with some amendments in the resolution received at the last meeting, from Common Council, authorizing, the election of trustees of the Wills' Hospital.

Memorials for lighting the city with gas, presented by sundry members, were received and referred to the Gas Committee.

Mr. Lewis offered the annexed resolution, after a preamble expressive of the benefits of gas lighting over the present mode—which was laid on the table.

“Resolved, That the Mayor of the city be authorized to draw his warrant on the city Treasurer, upon the requisition of the Gas Committee, for such sum as may be required by the said Committee, to meet the expenses to be incurred under this resolution.”

Select Council concurred in referring to the Committee on Gas, the proposition of sending a person to Europe, to make inquiries as to the efficacy and utility of gas-lighting in the principal cities.

On motion of Mr. Groves, the Select Council proceeded to the Common Council Chamber, to elect a Trustee of the Girard College, in the place of John Steel, Esq. resigned. In joint session, Messrs. Lewis and Yarnall were appointed tellers. On counting the ballots, it was found that Josiah Randall Esq. was unanimously elected.

On motion of Mr. Price, the council proceeded to the consideration and adoption of the several passages of the ordinance in relation to Standing Committees, all



of which, with the exception of the first and amendment of others, were adopted.

The preamble and resolution in relation to the reception of the Hon. Henry Clay, received from Common Council, were received and concurred in, after adding to the joint Committee the names of the Presidents of both Councils.

#### COMMON COUNCIL.

Petitions in favor of lighting the city with Gas, were presented by Messrs Yarnall, Firth, Toland, Hutchinson, Warner, McMullin, Darragh, Wright, Smith, Robbins, Chandler, Lancaster, Gilder, and Kirk, amounting in all to 45 petitions, and signed by 1920 citizens. Referred to the Committee on Gas.

Dr. Huston presented a petition, signed by a number of respectable citizens, praying Councils to send an agent to Europe, for the purpose of making full inquiry into the subject of Gas, its advantages and disadvantages, &c. Referred to the Committee on Gas.

Mr. Gilder presented a memorial from Mr. C. Wesner, stating that he had discovered a method by which summer strained oil may be made to burn as freely as winter strained, in the winter season, and asking Councils to appoint a committee to confer with him on the subject. Laid on the table.

Mr. Kirk presented a petition for grading Clay street, running from Beach street to the river Schuylkill, which was referred to the Paving Committee.

Mr. Kirk presented a petition praying for the introduction of the Schuylkill water in the section of the city south of Chesnut and west of Schuylkill Front street. Referred to the Watering Committee.

Mr. Chandler, from the Committee to whom had been re-committed the bill for establishing an effective system of Police, reported the same with amendments. The committee have reduced the number of beats from 120 to 100, and the number of police men from 240 to 200. It was stated that by the alteration, the expense of the whole system will be diminished to about \$84,000, or a sum about double the cost of the present system.

The bill was called up for discussion, and supported by Mr. Chandler, who offered some remarks, showing the inefficiency of the present system, and the great advantages which would arise from the adoption of the one then proposed—advantages of far greater importance than the increase of expense which they would involve. Dr. Huston opposed the bill, by contending that the proposed system involved too great an expense—that the system itself was imperfect, not fully carried out, and involved a labor and fatigue to the police men, which were entirely too great for human nature to bear. He believed the present system of guarding the city very inefficient, but alleged that it might be greatly improved with but little trouble.

The further consideration of the bill was then postponed.

Mr. Chandler, from the Committee on Washington square, to whom had been referred a communication from the Washington Monument Committee, on the subject of a plan for a Monument, designed by Mr. Strickland, reported in favor thereof, and recommended its adoption by Councils. The cost of the Monument is estimated at \$75,000. Laid on the table.

Mr. Chandler offered a resolution, instructing the Paving Committee to inquire into the expediency of grading the streets in the western part of the city, with a view of using the earth that may be taken therefrom. Adopted.

Mr. Chandler offered the following preamble and resolution:

Whereas, as it is understood that the Hon. HENRY CLAY, is about to visit this city, and whereas, it is conceived to be meet to do honor to citizens who have dis-

tinguished themselves by important services to the republic.

Therefore, resolved, that the Select and Common Councils of the city of Philadelphia, will wait upon Mr. Clay, during his sojourn in the city, with a view of tendering to him as a distinguished public benefactor, their respectful salutations, and that a Committee of three members of each Council be appointed to wait on Mr. Clay, and ascertain the time when it will be convenient for him to receive the Councils, and also to tender him the use of Independence Hall, in which to receive his fellow citizens.

Dr. Huston made some remarks in opposition to the resolution. He said he yielded to no man in sentiments of respect and esteem for Mr. Clay; he had admired him as a statesman, and a man of extraordinary talent, from his youth upward; he still admired him, and would be as prompt as any one in showing him every possible attention. He considered, however, that to adopt this resolution, would be setting a bad precedent; it would be an example of which judicious use might be made—other public men, less deserving, in visiting our city, might expect similar attentions, and if withheld, they would feel themselves slighted. There would be also a difference of opinion, as regards the worth of distinguished men, and the propriety of offering official marks of respect, such as were then suggested. Dr. H. remarked that it was proposed to receive Mr. Clay, not as a Senator or public officer, but simply as a citizen. The respect paid to him ought to come spontaneously from the people. Councils, as an official body, were not called upon to pay him official respect, when he appeared in his private capacity. Dr. H. acted in this manner as a member of Councils—not for himself, but for his constituents. The question was not one of personal feeling, and his objections arose not from hostility to the man—whom it was proposed to honor—he had not *backslided*—but he opposed the resolution simply because he considered any official action on the subject by Councils inexpedient.

Mr. Chandler replied, in a speech of some length, delivered with much force and feeling. He contended that precedent had nothing to do with the matter. If the measure were right in itself, it ought to be adopted—if wrong it ought to be rejected. It had nothing to do with any thing else but the case in hand. If other citizens, equally distinguished, and possessing equal claims upon our respect, should hereafter visit us, the propriety of measures of this kind, would then, and not till then, be a proper subject of discussion. We desire in this instance, said Mr. C., to do honor to a statesman who has always supported Pennsylvania principles—who is known and admired throughout the whole country, as a distinguished advocate of Liberty—who has done the country many important public services, who in contending for the rights and interests of his fellow citizens, has ever been foremost in battle. Such a man as Mr. Clay, in Rome, would have been immortalized. He stands higher for good, than any distinguished Roman ever did for greatness. Mr. C. could see no impropriety in the measures proposed. Upon Mr. C.'s arrival in New York and Albany, the city authorities had been prompt in showing him every respect, and surely the authorities of Philadelphia ought not to be behind them.

After some remarks by Dr. Huston, in reply, the question was taken, and the preamble and resolution unanimously adopted. The President appointed the following Committee, Messrs. Chandler, Warner, and Firth. Select Council appointed Messrs. Eyre, Lewis, and McCreedy.

Thursday evening, Nov. 28, 1833.

#### SELECT COUNCIL.

The President read a communication from Britain Cooper, Treasurer of the Girard Fund, suggesting to



Councils the necessity of an appropriation to defray expenses attending the Girard lands, out of Philadelphia county. Referred to the committee on the subject.

Mr. Worrell presented a petition from the officers of the Fifth Baptist Church, in Sansom street, praying for the erection of a patent reflecting lamp, in front of the church; oil to be supplied by the city. Referred to a special committee.

Mr. Lippincott, from the committee on the Wills' Hospital, presented a report giving a detailed account of the erection of the Hospital, a description of the building, with a statement of the whole expenditures, which was ordered to be printed.

Mr. Wetherill presented a number of petitions, signed by 803 citizens, in favor of lighting the city with gas, which were referred to the committee on that subject.

#### COMMON COUNCIL.

A communication was received from Josiah Randall, declining to accept the appointment of trustee of the Girard College. His resignation was accepted, and an election subsequently gone into by Councils in joint ballot, to supply the vacancy; the ballot resulted in the choice of Henry J. Williams.

Mr. Hutchinson presented a petition from Michael A. Cline, praying Councils to release a certain lot which he held on ground rent, from the judgment given him as tax collector. Petition granted.

Messrs. Smith and Huston presented sundry petitions in favor of lighting the city with gas. Referred to the committee who have charge of that subject.

A petition was presented from Robert Earp and others, praying that Ashton street, from Arch to Filbert, may be levelled and regulated. Referred.

Mr. Huston offered a resolution empowering the committee on Gas to send a suitable person to Europe, for the purpose of collecting information on the subject of lighting large towns with Gas. Laid on the table.

On motion of Mr. Chandler, Councils proceeded to the election of 18 managers of the Wills' Hospital. The following was the result:

##### FOR ONE YEAR.

Charles Stout,	Michael McGrath,
Dr. J. R. Paul,	James Cresson,
Andrew M. Jones,	Thomas Snowden.

##### FOR TWO YEARS.

Wm. Morrison,	Joseph Aken,
Isaac Elliot,	Benjamin H. Yarnall,
Samuel Spacksman,	Frederick Erringer,

##### FOR THREE YEARS.

Robert Flemming,	George Ralston,
Dr. Joseph Parrish,	Wm. T. Smith,
Ephraim Haines,	Daniel Groves.

Mr. Kirk presented a petition from the Little Schuylkill Coal Company, offering to rent for a term of years, certain city property on the Schuylkill, provided it were slightly improved. Referred.

Mr. Smith presented a communication, recommending the adoption of Mr. Trautwine's plan of a Washington Monument, in the place of that by Mr. Strickland, which will cost \$25,000 less. Laid on the table.

To the Select and Common Councils of Philadelphia.

#### THE COMMITTEE ON "WILLS' LEGACY" REPORT,

That the Hospital erected under their direction, and in accordance with the last will and testament of the late James Wills, is now completed.

As no official report has been made to the councils, since the first appointment of this committee, they deem

it expedient to give a detailed account of their proceedings. The lot on which the Hospital is built, is situated on the south side of Sassafras street, directly opposite Logan Square, and extends from Sassafras to Cherry streets, and from Fourth to Fifth streets from Schuylkill; it was purchased for the sum of twenty thousand dollars.

On the 10th of January, 1832, the councils adopted the design for the Hospital, furnished by Thomas U. Walter; and referred the same to this committee for execution.

On the 24th of February, they appointed Mr. Walter, architect.

Preliminary arrangements were then made for commencing the building in the spring; and on the second day of April, 1832, the corner stone was laid in the presence of the committee.

At a meeting held on the 13th of April, a sub-committee of three members was appointed to superintend the construction of the Hospital. This committee have attended weekly at the work, and have paid the expenses incurred in executing the design; by orders drawn upon the Mayor and City Treasurer, they being trustees of the estate of the late James Wills.

The following account of the state of the funds is submitted for the information of Councils.

On the 24th of May, 1831, the residue of the Estate was paid to the Mayor and City Treasurer. On that day it consisted of stocks at par value,	\$98,907 29
Cash	6,789 06
Real Estate cost	2,700 00
	<hr/>
	\$108,396 35

Since which time the estate has accumulated as follows:

Rents on Real Estate, &c.	750 70
Interest on Stocks	10,165 56
Gain on sale of stocks above par value, these sales being made to meet the expenses of the building,	3,040 49
Sale of refuse materials,	195 49
	<hr/>
	\$122,548 57

Out of which there has been paid:

For lot	20,000 00
Premium on plans, taxes, drawing deed, &c.	381 12
Cost of filling up lot, fencing, constructing culvert to carry off the water from the house, &c.	7,461 35
Expense of building the Hospital	29,361 22
	<hr/>
	57,203 69

Leaving a balance of \$65,344 88

This fund is now invested as follows:

In United States 5 per cent. loan,	\$47,000
In City 5½ per cent. loan,	14,000
In Real Estate in the N. Liberties,	2,700
Balance in the hands of the Treasurer, not invested	1,644 88
	<hr/>
	\$65,344 88

The annual income arising from the aforesaid Stocks amounts to \$3,120

From the real estate after deducting taxes, &c.

	100
Making	\$3,220

Out of which there is an annuity of \$200 to be paid to Rachel Wise, during her natural life, leaving for the support of the Institution, the sum of \$3,020 per annum.

The Hospital is sufficiently spacious for the accom-



modation of about seventy persons, together with the requisite attendants; it is 80 feet front, by 50 feet deep; having a piazza on the south side, 80 feet long, by 12 feet wide; the floor of this piazza is on the same plan with the floor of the principal story, the space below forms part of the kitchen.

The building consists of a basement story, having an elevation of 8 feet above the surface of the ground; a principal story of 15 feet in height, and an upper story of 12 feet elevation, the whole is crowned with an attic of 24 feet in width, by 80 feet in length.

The front on Sassafras street, is composed of sand stone; it is ornamented with 6 Ionic Pilasters, supporting a proportionate entablature and pediment.

The front door is in the principal story, and is approached by means of a flight of steps, surmounted by a Grecian Ionic Portico of four columns, the whole of which is composed of the same material as the rest of the front.

The remaining part of the building is composed of rubble stone, and roughcast in imitation of the front.

The whole interior arrangement of the house is divided into two parts, one for males and the other for females.

The basement story contains

- A kitchen 27 by 32 feet,
- Two dining rooms, each 21 by 32 feet,
- Two pantries, each 10 by 14 feet,
- Two bathrooms, each 10 by 14 feet,
- A scullery, 11 by 20 feet, and
- A cellar for fuel, 11 by 20 feet.

The Schuylkill water is introduced into two bathrooms, the scullery and the yard, the whole of this story is arched.

The principal story contains

- A steward's office, 16 by 21 feet,
- A steward's parlor, 16 by 21 feet,
- A vestibule, 11 by 21 feet,
- A chapel, 21 by 32 feet, and
- Six dormitories, each 10 by 15 feet.

The upper story contains

- A chamber for steward, 16 by 21 feet,
- A chamber for domestics, 16 by 21 feet,
- An infirmary, 21 by 32 feet,
- Seven dormitories, each 10 by 15 feet,
- And one dormitory, 11 by 21 feet.

The attic story is divided into two rooms, each 24 by 38 feet.

The stairways of the basement, and principal stories, are composed of marble, with iron railings.

The whole building is heated by means of two furnaces placed in the cellar: the warm air is conveyed into every room in the house, through flues constructed in the walls for the purpose.

The committee have made use of these furnaces for drying the building, and they find them to answer the purpose effectually.

In addition to this mode of heating, fire places were constructed in all the dormitories, for purposes of ventilation, and to resort to, in case of accident with the furnaces.

The whole building, including the south piazza, is roofed with copper.

When the house was commenced, the lot was several feet below the level of the surrounding streets, this the committee have filled up, and leveled for purposes of gardening; they have also had a good and substantial board fence put around the whole square, excepting about 120 feet directly in front of the building; this is secured by a strong iron railing, placed upon a wall two feet high, composed of cut stone, forming a quadrant from each corner of the front steps, extending to the line of the street; the building recedes 50 feet from said line.

The committee have had a perpetual insurance of \$8000 effected upon the building, in the Pennsylvania

Fire Insurance Co.'s Office; the policy is deposited with the City Treasurer.

All the accounts pertaining to the construction of the Hospital have been fairly kept, in books provided for the purpose, which books, (having been properly balanced and closed,) are deposited in the hands of the City Treasurer, together with all the papers pertaining to the building.

The Committee are gratified in having it in their power to say, that the *Wills' Hospital* is a strong, substantial, and well built house, the materials are of the best quality, and well put together.

In concluding this report, the Committee deem it unnecessary to pass an eulogium on the memory of James Wills, for his bountiful donation, to a charity which must be highly approved by every benevolent and philanthropic mind; and much as we regret, that the sum left for the support of the institution, is not sufficient to relieve the sufferings of as many of the afflicted as could be wished. We fondly hope, that other of our fellow citizens, prompted by like charitable feelings towards the unfortunate subjects who are intended to participate in the advantages of this institution, will laudably contribute towards increasing the means of its support; which must be acknowledged by all to be of that nature, which is calculated to excite the feelings of the truly benevolent.

All of which is respectfully submitted.

JOSHUA LIPPINCOTT.  
DANIEL GROVES,  
JOSEPH WORRELL,  
R. M'MULLIN,  
ENOCH ROBBINS,  
R. M. HUSTON,  
B. H. YARNALL.

Philadelphia, Nov. 28, 1833.

## LAND TITLES.

(Continued from page 345.)

### Miscellaneous Facts.

Edward Pennington, the Second Surveyor General of the province, died on the 10th of January, 1701.—Thereupon,

The commissioners of property resolved, That no such officer be appointed until the pleasure of the proprietor be known.

That the said office with all the books, records, warrants, and papers belonging thereto, shall be taken into the commissioners' hands, and remain under their care, and that the secretary shall chiefly superintend the same, with an able and fit hand, well skilled in surveying.

That Jacob Taylor, now concerned in a school at Abington, be invited to take the management of said office under the secretary.

All warrants to be directed to the several surveyors of the respective counties, to be returned into the surveyor's office, at Philadelphia.

That only copies of the warrants shall be sent into the country, attested by the secretary, and the original remain in the office as before, and be entered on the books, and every original warrant shall express that the original shall remain in the surveyor's office, in Philadelphia, Book C, p. 64.

The proprietor had mortgaged the province, by deeds of lease and release, dated the 6th and 7th of October, 1708, to Henry Gouldney, Joshua Gee, Sylvanus Grove, John Woods, Thomas Callowhill, Thomas Oade, and Jeffery Pinnel, with power to sell, &c.

On the ninth of November, 1711, William Penn executed a commission to Edward Shippen, Samuel Carpenter, Richard Hill, Isaac Norris, and James Logan, as commissioners of property, with the same powers, and in the same terms, as the commission of October, 1701.

The mortgagees, by deed, dated November 10th,



1711, empower the same commissioners to collect rents, grant and confirm lands, &c. (Book H.)

There was no Surveyor General from the 10th of January, 1701, until the beginning of March, 1706—7, when Jacob Taylor was appointed, who continued until Benjamin Eastburne was appointed, on or about the 29th of October, 1733, who continued until 1741. William Parson's commission as Surveyor General, bears date, August 22d, 1741. His successor, Nicholas Scull, was appointed in the beginning of 1748. John Lukens, who succeeded him, was appointed in December, 1761, and continued by re-appointment under the commonwealth, until his death, in 1789.

Daniel Broadhead was appointed 3d of November, 1789, and continued by re-appointments until 23d of April, 1800.

Samuel Cochran was appointed 23d of April, 1800.

Andrew Porter was appointed April 4th, 1809.

A tract of land, called the Welsh tract, containing forty thousand acres, was surveyed by virtue of a warrant dated March 13th, 1684. The object of it was to accommodate the settlers, who came from Wales, and desired to be seated together. It appears, however, from the early records, that they were not numerous enough to occupy the whole of it; but they applied to the commissioners of property for liberty to appropriate it all; but the commissioners insisted on interest and quit-rents from the date of the warrant, which they did not accede to. The unsettled part of it was therefore left open to other purchasers, and many warrants were afterwards issued to survey lands within its bounds.

There was no uniform frame of warrants in early times. Previous to the year 1733, they continued this clause, "If not seated by the Indians;" but in the warrants issued by Thomas Penn, this clause was omitted.

In the warrants issued by Thomas Penn, especially for lands within manors, an entire new clause appears to have been introduced: viz. "to pay a year's rent at every alienation;" but in those rights which were taken out at fifteen pounds ten shillings for one hundred acres, this clause was omitted.

In many warrants it is expressed that the warrantee should forthwith fulfil the terms, or the warrant to be void; but most generally, it runs thus, "That the purchaser should comply with the terms within six months, or the warrant should be void." And in the earliest times, interest is made to commence from the time of any settlement, or improvement.

The terms of sale were equally irregular and uncertain. As the commissioners had authority to grant lands, for such sums and quit-rents, as to them, or any three of them, should seem just and reasonable; so there was no uniform system before the year 1732. Not only the prices, but the quit-rents were various. The warrants sometimes expressed the terms of the contract; but very frequently did not. In many cases the quit rents to be paid are inserted in the warrants, without purchase money; and from the variety, and amount of quit-rents in several cases, it would appear as if the grant had been without purchase money. Before the year 1713, five pounds a hundred acres, and a bushel of wheat, more frequently one shilling sterling, quit-rent, were the common terms, and called new terms. In 1713, lands were granted at seven pounds, ten pounds, and fifteen pounds a hundred acres, and the common quit-rent of one shilling sterling. From 1712 to 1715, lands at Oley, and at Conestogoe, were granted at ten pounds a hundred; but the quit-rents varied; in some cases one shilling sterling a hundred acres; in others, a half-penny, and a penny sterling, an acre. In 1730, lands at Oley are charged at fifteen pounds a hundred acres; and in some scattered cases, appearing in the records, the price was still higher. No connected view can therefore be given of the custom of the Land Office in this respect, previous to the year 1732. From that time a system begins to appear; and the fixed price was fifteen pounds ten shillings a hundred acres, and one half-pen-

ny sterling an acre, quit-rent, which continued until 1765, excepting a variation about, and between the years 1761 and 1763, when warrants were issued at nine pounds a hundred acres; but the quit-rent was increased to one penny sterling an acre. In the warrants issued under the authority of the trustees of the province, after the year 1719, the terms were, most commonly ten pounds, and one shilling quit-rent, for one hundred acres; and then the warrants are for the first time expressed to be under the less seal of the province, which was continued afterwards, and the reservation is, (varying the expressions) for the use of the trustees of the province, or "for the use of the proprietary trustees."

It has generally been supposed, that the land office was closed from the year 1718, when William Penn died, until the arrival of Thomas Penn in the year 1732. With respect to the lands on the east side of Susquehanna, this needs some observations. Warrants appear to have been issued during the whole time, almost without interruption, and in very great numbers. In May, 1719, warrants began to issue for taking up lands, under the less seal, paying, as before stated, "to the use of the trustees of the province." As to the proprietaryship, it is well known, it was some time in controversy, and the will of William Penn was finally established, and the right declared to be in the younger branch of his family. It is true, that from 1720 to 1730, the warrants were generally to survey old rights, and city lots; but there are some new warrants between those periods, and the warrant for lands at Oley, above mentioned, at the price of fifteen pounds a hundred, was issued in 1730. But on the west side of the Susquehanna the lands were not then purchased, and no other right to them was vested in the proprietaries, except so far as Dongan's deed, subsequently confirmed, as we have seen, may have been supposed to have given a right to the lands on both sides of Susquehanna, to an indefinite extent. But the terms of the confirming deed of 1700, for the lands on both sides of the river, are "next adjoining to the same;" and the lands were not clearly purchased until 1736. However this may be considered, we nevertheless find from the records, that Sir William Keith, in 1722, with consent of the Indians, as it is said, had a survey made for himself on the west side of the river; which survey is recognized in, and is one of the boundaries of the first survey of the Springetsbury manor; the warrant for which issued on the 18th of June, 1722, and recites it to the request of the Indians, that a large tract of land, right over against their towns on Susquehanna, might be surveyed for the proprietor's use only, &c. The warrant of re-survey, of May 21st, 1762, recites, among other things, that sundry Germans and others, afterwards seated themselves by leave of the proprietors, on divers parts of the said manor, but confirmation of their titles was delayed, on account of the Indian claim—and that after the purchase of 1736, licenses were given to them, (called Blunston's licenses,) the whole granted to be about 12,000 acres. The whole of this transaction may be seen in 4 Dallas, 402, to 410: (Penn's lessee and Kline,) in the report of which it is said, that the original warrant and survey could not be returned into the land office at that time, "because the land office continued shut from the death of William Penn in 1718, until the arrival of T. Penn, in 1732." The report also states, That Thomas Penn, having purchased the Indian claim to the land, empowered Samuel Blunston to grant licences for 12,000 acres, to satisfy the rights of the settlers, &c. These licenses, or rather promises to the settlers to grant them patents for the lands they had settled, are signed by Thomas Penn, himself, when at Lancaster, October 30th, 1736.

It may be suggested, that there were other reasons why the survey was not returned into the land office, at that, or any other time. (Unimportant indeed as to the title, after its recognition and warrant of re-survey in 1762.) The warrant itself was not issued from the



land office, but under the private seal of governor Keith, at Conestogoe. The land had not been purchased from the Indians; the office was not open for the sale of them; and it was out of the usual course to grant warrants for unpurchased lands. The council, on the report of the proceedings, seemed cautious about it, and refused to interfere, further than to permit the warrant, and return of survey to be entered on their minutes; although Col. French defended the proceedings, because the facts and circumstances recited in the warrant were truly stated, "and, in his opinion, Springet Penn, in whose name the warrant issued, was the late proprietor's heir at law; and whatever turn the affairs of that family might take, to re-settle the property and dominion of the province, he did not conceive this measure would be interpreted, or deemed to the prejudices of a family, for whose service it was so plainly meant and intended."

But although the land was out of the purchases, as the Indians consented to the survey, the measure itself cannot but be considered as having been founded on the soundest and wisest policy, and Sir William Keith conducted himself with great zeal for the proprietary interest. The controversy with Maryland, with respect to the provincial boundaries was at its height, and the Marylanders were surveying their warrants, and pushing their settlements along the Susquehanna, and within a short distance from the present town of York, with rapidity. At the treaty, therefore, on the 15th of June, 1722, the governor consulted the natives about making this survey; he told them that when the land should be marked with the proprietary's name upon the trees, it would keep off the Marylanders, and every other person whatsoever, from coming to settle near them to disturb them.

We have considered say they, of what the governor proposed to us yesterday, and think it a matter of very great importance to us to hinder the Marylanders from settling, or taking up lands so near us on Susquehanna.

We very much approve what the governor spoke, and like his counsel to us very well. But we are not willing to discourse particularly on the business of land, lest the five nations may reproach or blame us.

They then asked the governor, whereabouts, and what quantity of land he proposed to survey for Mr. Penn; who answered, "from over against the mouth of Conestogoe creek, up to the governor's new settlement (Sir William's own survey,) and so far back from the river as no person can come to annoy or disturb them in their towns on this side."

They then desired the governor would immediately cause the surveyor to come and lay out the land for William Penn's grandson. The warrant was thereupon issued, and the survey made.

Information of these proceedings was immediately sent by express from governor Keith, to the governor of Maryland.

In order to counteract the Maryland encroachments, it appears further to have been the policy of the proprietary agents, to invite and encourage settlements on the borders; and such settlements were made within the manor of Springettsbury. A certain right was acquired, and a contract existed, that the title should be made to such settlers, when the purchase from the Indians should be made. Certificates or licenses were accordingly issued, as we have seen, promising patents upon the usual terms other lands in that country were sold for—and this contract was afterwards faithfully complied with. The year following the arrival of Thomas Penn, this system of settlement was recognized, and pursued by him. The settlements increased; but titles could not be acquired; nor could the land-office be opened for lands on the west side of Susquehanna, as it had not been purchased of the Indians. Thomas Penn, therefore, departed from the practice of his great ancestor. The complaints of the Indians against the settlements at Tulpehocken and the purchase of those

lands in 1732, should have been a sufficient caution against settling the lands over the river, if some overruling necessity had not existed; and what that necessity was, we have seen. The Indians seem to have acquiesced, and Dongan's deed had been brought before them at every treaty.

A commission was issued to Samuel Blunston, on the 11th of January, 1733-4, to grant licenses to settle and take up lands on the west side of Susquehanna. Not because the land office was at that time closed, as has been generally conceived, but because the office could not be opened for those lands, which were not yet purchased of the Indians.

The first license issued by Samuel Blunston, was dated on the 24th of January, 1733-4, and the last on the 31st of October, 1737, all of which, (and they were numerous,) prior to the 11th of October, 1736, were for lands out of the Indian purchases. These grants the proprietors were bound to confirm, being issued by their express consent, as soon as they purchased the lands from the natives, upon the clearest legal principles, as expressed in the case of Weiser's lessee, and Moody, before cited.

Here then appears a distinct species of land titles, local in their nature, and different from all the former practice of the province. They were not like the locations or applications of later times, but grants of a higher nature. In *Calhoun's lessee v. Dunning*, 4 Dallas, 120, the court say, that Blunston's licenses have always been deemed valid, and many titles in Pennsylvania depend on them; and in the lessee of Dunning and others, *v. Carothers*, in the supreme court, December, 1805. MSS. Reports, The court say, "That Blunston's licenses partake more of warrants than locations, and have all the essential parts of a warrant."

We have already seen, that the promise of Richard Peters, to give a preference to a settler to induce him to remove from unpurchased Indian lands has been recognized. We will now proceed to exhibit other instances of recognition of titles irregularly commenced.

In the lessee of *Fothergill v. Stover*, 1 Dallas, 6, a letter from James Steel, receiver general, and secretary of the land office, to the surveyor general's deputy in Chester county, in these words: "Friend Isaac Taylor, Philadelphia, 3, 2d mo. 1719. James Logan had agreed that the bearer hereof, William Willis, shall have 500 acres of land at Conestogoe, please to survey it to him, and the warrant shall be ready. Thy loving friend, James Steel" was offered in evidence as the foundation of the defendant's title. Objected on the part of the plaintiff, that James Steel, by his order only, without a warrant from the proprietors, or the commissioners of property, could not authorize the location of lands; and even supposing it to amount to an order from James Logan himself, as he was only one of three commissioners, such order cannot be a sufficient warrant.

But the court said that under these sort of orders from the proprietor's officers, a great part of the province had been settled, and that for the general convenience they had been heretofore allowed to be given in evidence, and particularly in *M'Dowell's case*. In that case, last April term, a letter from Richard Peters, secretary of the land office, to the same effect as the above, was allowed; and the letter in this case was accordingly ruled to be given in evidence.

A plot of survey made in pursuance of the above letter, in Isaac Taylor's own hand writing, with a note at the bottom thus "Surveyed in 1720," and in the body of it the words, "William Willis, 400, as" not returned into the surveyor general's or secretary's office, but found among Isaac Taylor's land papers, many years after his death, was allowed to be given in evidence against a regular warrant and survey posterior to the above; a settlement and possession being proved to have been made, and the land office appearing to have been shut between the years 1718 and 1732. Supreme



court, April term, 1763. And judgment affirmed, on appeal to the king and council.

It appears, also, upon examination, that the practice was very common of permitting surveys to be made without any warrant, or order, either by connivance of the officers, or consent of the proprietor, expressed in some manner, not of record. This gave rise to a new kind of warrant, since rendered common in a different sort of inceptive right, called a warrant of acceptance. In the years 1760, and 1761, this warrant was frequently issued in the following form: "Whereas, by our consent and direction, a survey was made, &c.," and then requiring the survey to be accepted.

About the year 1762, when William Peters was secretary, another practice was resorted to, of a very inconvenient kind, and leading to much irregularity; which was, to issue certificates of warrants having issued, when in fact no warrant was issued, or any purchase money paid; and on these certificates surveys were made without any authority or direction from the surveyor general. But after the year 1765, this practice was prohibited by special instructions to the deputy surveyors. These certificates were in the following form:

September 10th, 1762. I do hereby certify that a warrant of this date is issued to A. B. for 150 as. of land, &c. on common terms of 115 10 per hundred acres, and a half-penny sterling per acre, for ver. Interest and quit rent to commence from, &c. W. Peters.

This also required warrants of acceptance in order to confirm the proceedings, and these warrants of acceptance contained a suggestion, that the original warrant could not be found—and are in this form: "Whereas it appears by the book of entries of warrants kept in our land office, that on the 10th day of September, 1762, a warrant was issued to A. B. for 150 acres of land, &c. And whereas the said A. B. hath now represented to us, that he hath procured a survey of 218 acres upon the said warrant, but the said warrant not being now to be found, the said A. B. hath humbly besought us to grant him our warrant of acceptance, &c. Of this practice, there are many instances about this time.

It would be very material to ascertain the exact state of the land office at every period of the provincial government; but from what has been shown, it must be seen that it is impracticable to delineate any uniform or regular system. None such existed. A knowledge of the customs and usages must therefore be derived from instances and facts scattered throughout its records. A variety of these have been already shown; and the proprietors appear to have recognized the acts of their officers and agents, however irregular, with respect to the lands within the purchases. These acts, practices, or customs, grew into rights, and have been considered as contracts, which the law would have enforced against the proprietor; and they have succeeded, in courts against younger rights, however regular, as in *Fothergill and Stover*. So in the years 1719 and 1720, we find warrants issuing on settlements, said to have been made upon agreements previously made; a distinct matter from the surveys by consent, or the certificates before mentioned. Numerous warrants therefore, run thus: "Whereas in pursuance of an agreement made by us about five years ago to settle and improve (certain lands,) you are required to survey," &c. But no evidence of such original agreements exists. If reduced to writing, it must have been delivered to the party obtaining the license, and not entered in the minute books. But it clearly appears, upon a very minute examination, that there was no time when the land office can be said to have been shut, or when warrants could not be procured. The examination has been laboriously made with a view to ascertain the correctness of a circumstance stated in *Fothergill and Stover*, and *Penn and Kline*, and very frequently mentioned in the courts

in the present times, that the land office was closed from 1718 to 1732, during the minority of William Penn's children. It has been one of the causes assigned for the origin of improvement rights, which must be traced to a higher source, the implied consent and acquiescence of the proprietors and their agents notwithstanding some of their public acts seem to discountenance them; and which will be related by and by.

In *Fothergill v. Stover*, when the receiver general writes to the deputy surveyor of Chester county to make a survey, he at the same time tells him that "the warrant shall be ready," which could not be, if the land office was shut, and the powers of the commissioners of property suspended. It has been already shown, that, independent of promises, licenses to settle, and license to make surveys, without warrants, a very great number of warrants issued in the usual form, changing only the clause of "paying to our use" to "paying to the use of the trustees of the province," in regular succession, from 1718 to 1732.

But it is equally certain that none of the warrants thus issued, were transmitted, as usual, to the surveyor general's office, nor were they entered there at any subsequent time. To give a single instance. A warrant issued to one Peter Bartolet, for land at Oley, on the 25th of March, 1720. But this warrant is not to be found in the surveyor general's office. But although not deposited there, when it came to be patented, on the 29th of June 1736, it is recognized, and the surveyor general makes his return to the secretary, in the usual manner, thus: "Pennsylvania, ss. By virtue of a warrant from the proprietary's late commissioner's of property, dated 25th of March, 1720, surveyed to Peter Bartolet on the 30th of the same month, a tract of land situate in Oley, in the county of Philadelphia, beginning, &c. containing 150 acres, returned into the secretary's office, 29th of June, 1736. Further, on examination of the receiver general's books, from 1718 to 1732, monies appear to have been received for lands, and accounts settled, during the whole period without interruption. Again, on examining the patent books, for the same period, it appears that an immense number of patents issued. For all these patents, which were for old rights, and surveys made before 1718, and on some warrants of re-survey, and for city lots, the surveyor general makes his returns to the secretary, in the usual manner. But for patents which issued during that period on new rights, granted during the minority of the proprietors, no returns are made by him for patenting in the accustomed manner, nor does any record exist of them in his office. It remains to account for this departure from practice; and it will appear, that although the office of surveyor general continued, and surveys were made by his deputies as usual, yet for all other purposes, (making returns of surveys already in his office excepted,) his usual duties and general powers were suspended. And although no difficulty existed as to obtaining and confirming titles, through a certain channel, yet as the old practice of his office was interrupted, the idea must have arisen, that the land office was closed, when in fact, one branch of it only, partially ceased to act. To all substantial purposes it remained open. And if we descend to a very nice distinction, and say that all proprietary authority ceased with the death of William Penn, and could not be revived, as such, during the minority of his successors, yet a power remained behind, unextinguished, which answered all useful and beneficial purposes; and whether the public business was conducted by trustees or agents, yet if it was efficiently done, it was the same to the people. A few more observations, therefore, will close this point.

William Penn, by his will, dated in 1712, appointed certain trustees, and devised to them all his lands, &c. in America, upon trust to sell and dispose of so much of his said lands as should be sufficient to pay all his



just debts. Supposing this will could operate only on his private estate, which was excepted out of the Pennsylvania mortgage; or, that no power could be immediately derived from it, during the litigation respecting the will, which was established in the court of exchequer in July 1727, and not before,—yet it must be remembered, that the legal estate of the province was not in William Penn, at the time of his death, but in the mortgagees; and it will also be remembered, that when William Penn executed a commission to certain persons, in 1711, to be his commissioners of property, it was necessary for the mortgagees to execute a similar commission, which was done on the following day; and power was given by them to grant the lands of the province and receive the monies for the purpose of extinguishing the debt. This mortgage was unsatisfied, and Richard Hill, Isaac Norris, Samuel Preston, and James Logan, the commissioners of property, appointed in 1711, still survived, and were also the trustees of William Penn's will. They therefore granted warrants and issued patents; if not as proprietary officers, yet under ample and existing powers. But the mode was varied. When surveys were made, if a patent was required, they took the first return of survey, without requiring it to be entered in the surveyor general's office, and a formal return transmitted from thence. The patents were in their own names, and recited as well the commission of William Penn as of the mortgagees, Joshua Gee, and others, of 1711, and thus very many patents exist, a trace of which cannot be found in the surveyor general's office.

(To be continued.)

#### LETTER OF WILLIAM PENN ADDRESSED TO FRIENDS IN PENNSYLVANIA, IN 1704—5.

*Copy of a Paper entitled "An Abstract of a Letter lately sent from Governor Penn to Divers Friends in Pennsylvania."*

(From the Papers at Stenton.)

Dear Friends,

I salute you in that Love which is mingled with the fear of God, whose awful power and presence are in measure with me at this time; tho' not well able to write with my own hand (as I could wish) through the present weakness of my head and eyes, the fruits of many weights and burdens, griefs and sorrows which I have met withal—and indeed it is with an inexpressible trouble that I have occasion to write as follows to you, viz: The unworthy treatment which I am informed I have met with there, after all which I have hindered here that was doing to our prejudice, and all I have done for our common good, to see that after all the pains, hazards, and vast expenses, and the employment of my whole interest, and the best part of my life which Pennsylvania has cost me, so many of those for whose sake I have done and suffered so much, should either actually design the ruin of me and mine, or suffer themselves to be drawn away by those that notoriously do so; considering how much the people in general, and our friends in particular, were desirous of me before my last arrival; and how unwilling to part with me when I came away, particularly Friends, as by their letters and certificates to Friends in England doth appear. You know I came on the errand of the public good (to save the Government) which I have done hitherto, at a tempestuous time, in a crazy and doubtful ship, and with a very feeble family; and are they

now for *that* which they were so willing I should come hither to *hinder*, to wit, a Queen's Governor to be set over them? or at least to make me weary of being theirs, and they told me this upon the spot where I was so perpetually accessible, and so ready to comply with every reasonable requests,—they had saved me some thousands, and I had enjoyed a comfortable society with the best among you to this very day; for nothing of my private concerns at home should have prevailed with me to have left you and the pleasure I had in living in Pennsylvania, at least for some years to come. Nor can I take less ill, since I have prevented what they feared, (and what some of their neighbors feel) that the precautions which I took (least I should not prevail or succeed here when I was arrived) for the preservation of the Government, are rigorously employed, and even beyond the letter thereof against me. An ingratitude, and treatment so sordid and base as hardly ever fell to the share of any person under my circumstances, to my grief, the scandal of worthy minds, and triumph of our enemies, as well as to the shame of our profession. But what will not an implacable and stubborn envy not do to further his unjust revenges? Acting the Patriot against the Patriot, making it an argument against any man to be trusted by the public—because he is intrusted by me, or hath a just regard to my honest interest; dividing that interest in my absence which I left united and in a good condition at my parting—and what have I done since to charge that apprehension? Is it lying here at stake, neglecting the comforts of my family, and not enjoying a most pleasant habitation for more than half the time since I left you? O! friends, I pray that God may not too publicly avenge my righteous cause against these wicked Korath's, for if justice and moderation do not take place there is no room to look for a blessing upon our settlement. I therefore earnestly desire you to use your endeavours as men and Christians, both as Pennsylvanians and men in the Truth, to moderate all extreams, to satisfy and quiet the people with reasonable security, not to be blown up by civil instruments to intemperate desires and unjust expectations, least sinking all, they lose all:—Their three Laws would have been dissolved here if they could have passed there, and the Governor would have exceedingly displeased for doing of it; what can be said to satisfy any reasonable man why they have left the charge of Government wholly upon me because my Deputy would not join with some there to injure his chief Governor, and violate the Constitution of England as well as of the place where he commands? Had they been asked before my departure, that in case I would wave the Bill for annexing the Proprietary Government to the Crown, and continue the Administration and Government as it was? would they establish a moderate maintenance upon the Governor, and raise a requisite supply to defray public charges? I doubt not but one and all would have answered "Yes, with all our hearts;" and when it was twenty to one, that a Queen's Governor would be sent, to find, to the great disappointment of our enemies, and to their own surprising satisfaction, a Governor sent



according to our letters Patent, and him approved by the Queen;—and to refuse him even subsistence money! unless he will betray and expose me that sent him, hath something in it so enormously base, that no profane person could give it so deep a dye, as hypocrisy alone which is the abuse of Religion to worldly purposes, being only able to tinge it so black as that action must appear to all that consider it.

I could make one conclusion of this whole matter, and that is to dispose of all to the Crown, soil as well as Government, and be rid of them once for all, and leave them to inherit the fruit of their own doings. But I must not forget the hand which brought that country to me, the sealing engagements, and sealing of His goodness in those solitary countries, and unless his Providence prevent, nothing else I hope shall prevent me from spending the best part of my life there or thereaway, though I am 20 thousand pounds the worse man than when I began the Colony—as I am able to make appear. Love, fear, and solitude was my aim; and the Lord in due time, give those excellent things more credit with the inhabitants of that place. I am a suffering and mournful man in the senses of spirits and things. I write to you as my friends in Truth, and as men of significance where you are. Help the Government against those ungovernables, and do all you can to quiet Friends under fair and reasonable enjoyments, counsel them not to strain points, nor halt before a cripple, let them not suffer themselves to be disquieted and blown about with the windy and empty suggestions of sinister and designing persons, but let the ancient Love, and Fear, and Faith that was our Alpha be likewise our Omega, and we may yet live to see happy days before we die. The Lord, if it be his Blessed will, grant this to us! So, with dear love to you and yours, and others that are worthy, (wherein my wife joins heartily with me,) I conclude.

Your faithful and loving friend,

WM. PENN.

Hyde Park, the 26th, 12 mo. 1704-5.

#### PRESIDENT'S MESSAGE.

The great length of this document precludes its entire insertion—which is also rendered less necessary, by its universal circulation through all the papers of the Union. We extract, however, that portion of it, which seems at the present moment to possess more intense interest to this state than any other—the removal of the deposits, and the re-chartering of the Bank of the United States.

“Since the last adjournment of Congress, the Secretary of the Treasury has directed the money of the United States to be deposited in certain State Banks designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject, and some months before the removal, I urged upon the Department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the Bank, appeared to me, to call for this measure, upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was

not at that time fully developed by proof. It was not until late in the month of August that I received from the Government Directors an official report, establishing beyond question, that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers by means of its money; and that in violation of the express provisions of its charter, it had, by a formal resolution, placed its funds at the disposition of its President, to be employed in sustaining the political power of the Bank. A copy of this resolution is contained in the report of the Government Directors before referred to; and however the object may be disguised by cautious language, no one can doubt that this money was in truth, intended for electioneering purposes, and the particular uses to which it is proved to have been applied, abundantly show that it was so understood. Not only was the evidence complete as to the past application of the money and power of the Bank to electioneering purposes, but the resolution of the Board of Directors authorised the same course to be pursued in future.

It being thus established by unquestionable proof, that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the Executive Department of the Government ought to pursue, was not doubtful. As by the terms of the Bank charter, no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such an use of its funds, and such an exertion of its power. In this point of the case the question is distinctly presented, whether the people of the United States are to govern, through representatives chosen by their unbiassed suffrages, or whether the power and money of a great corporation, are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the Bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means.

At this time the efforts of the Bank to control public opinion, through the distresses of some, and the fears of others, are equally apparent, and if possible more objectionable. By a curtailment of its accommodations, more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money, it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, and that through the increased accommodations which the State Banks have been enabled to afford, no public distress has followed the exertions of the Bank, and it cannot be doubted that the exercise of its power and the expenditure of its money as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve.

In my own sphere of duty, I should feel myself called upon by the facts disclosed, to order a scire facias against the Bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the Secretary of the Treasury, had been taken to enable him to judge, whether the public deposits in the Bank of the United



States were entirely safe, but that his single powers might be inadequate to the object, I recommend the subject to Congress as worthy of their serious investigation, declaring it as my opinion, that an inquiry into the transactions of that institution, embracing the branches as well as the principal Bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which if true, might justly excite the apprehension that they were no longer a safe depository for the public money. The extent to which the examination thus recommended was gone into, is spread upon your journals, and is too well known to require to be stated. Such as was made, resulted in a report from a majority of the committee of ways and means, touching certain specified points only, concluding with a resolution, that the Government deposits might safely be continued in the Bank of the United States. This resolution was adopted at the close of the session by the vote of a majority of the House of Representatives.

Although I may not always be able to concur in the views of the public interest or the duties of its agents which may be taken by the other departments of the Government or either of its branches, I am, notwithstanding, wholly incapable of receiving otherwise than with the most sincere respect, all opinions or suggestions proceeding from such a source, and in respect to none am I more inclined to do so than to the House of Representatives. But it will be seen from the brief views at this time taken of the subject by myself, as well as the more ample one presented by the Secretary of the Treasury, that the change in the deposits which has been ordered, has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which if correctly viewed by that Department, rendered its act a matter of imperious duty.

Coming as you do for the most part, immediately from the people and the States, by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect, the will of their constituents in regard to this institution. It will be for those in whose behalf we all act, to decide whether the Executive Department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty."

#### CONNEXION OF THE OHIO AND PENN. CANAL.

##### *Report to the Warren Convention.*

The undersigned, to whom were referred the representations made to the Convention on behalf of the several objects for uniting the canals of Ohio and Pennsylvania, respectfully report:

That they could not fail to be deeply impressed with the responsibility of the task imposed upon them, as well as with a grateful sense of the confidence implied in their appointment. The first impulse was to decline, altogether, a trust by no means desired or anticipated on their part; and the discharge of which might well be expected, in any event, to be viewed invidiously; but the frank and candid spirit which characterized the proceedings of the Convention, assured them that their labors, however imperfect, would be regarded with indulgence; and they did not feel at liberty, therefore, to interpose a sullen negative to the course which their associates regarded as tending to promote the great objects in view.

In the attempt to fulfil, conscientiously, a duty so delicate and important, it has been their anxious object, not only to keep steadily in view the very able reports referred to them, but to seek in every quarter, for such further facts and suggestions as might aid in reaching a just conclusion. Shortly after the adjournment of the Convention, they proceeded by the line of the northern route to Akron, and thence descended the Ohio Canal to Massillon. From this point, some members of the Committee pursued the route of the propos-

ed rail road; whilst the others made their way to Waynesburg, which was indicated as the most suitable point from which to commence the examination of Sandy creek. At Waynesburg, several very intelligent gentlemen were found in attendance, with the surveys of the Sandy and Little Beaver Canal route, and accompanied the party up the valley of Sandy creek. The two divisions of the committee re-united at Hanover, and from this point enjoyed the advantages of the attendance of Mr. Joshua Malin, who had a large share in the labors exhibited in the report of Maj. Douglass. On reaching New Lisbon, the undersigned were gratified by the opportunity of a personal conference on the subject of their inquiries, with many of the most respectable inhabitants. Here, also, two addresses were read and submitted to them; one by E. Potter, Esq., supplemental to that presented to the Convention; the other by A. W. Loomis, Esq., exhibiting the facts and arguments in favor of a canal by the southern route, and dwelling more particularly on the subject of the supply of water. There was also a statement communicated of the amount of merchandize sold in a single year, within the county of Columbiana.

These interesting papers, marked respectively A, B, and C, are appended to the present report. From New Lisbon, the committee proceeded to the mouth of the Little Beaver, and thence along the margin of the Ohio river to Beaver, accompanied throughout by Mr. Malin. They have at length reached this place; and, under the pressure of engagements elsewhere, rendered exceedingly urgent by an absence of unexpected length, they hasten to state as briefly as possible the conclusions at which they have deliberately arrived.

The question as to a *Rail Road* ought, perhaps, in order of time, to be first adverted to, as being one which, in the view taken of it by the committee, at an early period, involved no matter of detail or consideration connected with a personal examination. As such a work must depend mainly, if not exclusively, upon private subscription, it became indispensable to inquire into the present state of feeling on this subject, in the quarters from which aid must necessarily be sought, and it was at once ascertained, beyond all doubt, that the prospect of obtaining subscriptions was utterly hopeless. When to the powerful arguments, drawn from experience, which were represented as dissuading from such a plan of improvement, in reference to transportation, was added the fact, that this work is not an independent one, but designed to connect two canals, and that its employment would involve a double transshipment, the committee felt, that to keep it longer in view was to put in peril a really attainable object. It is a source of high gratification to add, that as the convictions of the committee necessarily unfolded themselves in frank conference with gentlemen most deeply interested in this project, they were met in a spirit of the utmost liberality and candor. No reason is seen to doubt that the most judicious location for the contemplated work was made by Lieut. Mitchell.

Putting, then, a rail road out of view, there remain only the northern and southern routes for a connecting canal, and in coming to a decision between these, the undersigned are unanimous.

The great question in reference to a canal—and one compared with which all others are, in truth, insignificant—is, of course, as to the supply of water. If an anxious and distressing uncertainty on this point attach to the work, no safe calculation can be made of its value as a stock, or its usefulness as a medium of conveyance. Where the supply is inadequate or precarious, we cannot assume, in an estimate of revenue, the maximum of boats which might possibly, in a given season, if presented exactly at the desired period, be transported on the canal. The chances of disappointment will, in a great measure, suffice to dissuade from resort to a channel whose failure, at a critical moment, may involve irreparable mischief. We must constantly bear in mind



that ours will be only *one* of the modes of communication between the east and the west: and that its productiveness must depend on inspiring implicit confidence, not only in the cheapness and safety of this route, but, in the certainty of its operations.

The committee are satisfied that a canal, by Sandy and Little Beaver creeks, will not be adequately supplied with water. The allowances in practice, found so indispensable are, in the estimates for this route, very low; strikingly so, when compared with those on the other route by Colonel Kearney. The contemplated resort to steam engines is deemed wholly inadmissible. Nor ought we to overlook the admitted tendency of the streams relied upon, to shrink up with the improvement of the country. The number of boats, also, likely to pass through this work, though advantageously compared by the engineer, with the number on the New York Canal, at a particular period, falls far short of the subsequent expansion of business in that quarter. It would indeed be deeply mortifying if, instead of looking to the vast commerce that awaits this connection, and providing for, and urging its enlargement, we should have hereafter to look with alarm at the increasing demand for transportation as a satire on our own want of forecast. The undersigned will only add, that the apprehensions with which they approached this route, founded on estimate and calculation, were more than realized by actual observation on the ground; and there was forced upon them a conviction stronger, perhaps, than can be conveyed by words.

After the foregoing remarks, it is perhaps superfluous to say to the Convention, that the northern route, by the Ravenna summit, is the one which the undersigned unanimously recommend. Of the abundant supply of water for that canal, no doubt can be entertained; and it is ardently hoped that sectional feelings will be discarded, and the thoughts and exertions of all be steadily directed towards the accomplishment of an object of such vital importance to the *whole* of the two states

It is proper to note distinctly that the canal thus recommended, is one which shall connect the two great thoroughfares of the Ohio and Pennsylvania, by an unbroken chain of canal communication from Pittsburg to Akron. A work possessing this character is called for in express terms, by the charter, under which it is at present contemplated to act; and is, moreover, in the opinion of the undersigned, indispensable to enable us to compete successfully with the channels of conveyance already open. A break in this chain, by a rail road from Beaver to Pittsburg, or by reliance on steam power to tow up Canal boats, when the state of the river shall admit, would, in the opinion of the undersigned, render the work altogether incompetent to effect the great objects which are aimed at, and which it is so well calculated, under enlightened management, to achieve.

In concluding this Report, the undersigned cannot but feel that it is probably the last act of their connection with an assemblage which forcibly impressed every one of them with sentiments of respect and regard. The result of the Convention is, of course, like every thing human—a matter of uncertainty; but they must ever consider the period as well and happily spent, which brought them into intimate association with an estimable body of our fellow citizens, in a quarter of our common country, new to most of them; and they will delight to cherish the feeling of just national pride, with which they have traversed a great and flourishing state, whose prosperity may be distinctly traced to the indefatigable industry and sound morals of her intelligent and enterprising people.

Delegates from the city and county of Philadelphia:

Wm. Miller,	Josiah White,
Jacob S. Waln,	Thomas P. Hoopes,
George Handy,	Alex. M'Clurg,
Abraham Miller,	John M. Atwood.

Delegates from the city of Pittsburg, and county of Allegheny:

Richard Biddle,	Charles Avery,
Geo. Miltenberger,	Alba Fisk,
Geo. Cochran,	William Lecky.
Wm. Robinson, Jr.	

Pittsburg, November 23, 1823.

#### STATISTICS OF CRIME AND PAUPERISM.

The following statement presents an interesting view of the criminal business of York county. We are glad to find the attention of gentlemen in the interior directed to such inquiries, and would recommend this example as worthy of imitation in the other counties of the state. Few subjects are of more importance, than an investigation of the causes and progress of crime and pauperism; they cannot however be successfully prosecuted without a reference to collections of facts. Every attempt, therefore, to amass facts, should be made and encouraged. Through the exertions of our prison society, &c, we have frequently been enabled to present much important information in relation to this county—and it is extremely desirable to obtain an acquaintance with the criminal statistics of other portions of the state.

*Criminal Statistics of York county, for the years 1828-9 -30-1-2-3; prepared by THOMAS C. HAMBLEY, Attorney at Law.*

#### OFFENCES.

	Ignoramus.	True Bill.	Guilty.	Not Guilty.	Guilty of Ass. & B. alone.	Bills found and cont'd.	Bills found and settled.
<i>August Term, 1828.</i>							
Fornication and Bastardy,	0	2	2	0	0	0	0
Larceny		4		3		1	
Assault and Battery	3	4	2	2			
do with intent to kill		1			1		
do with intent to com. rape		1				1	
Keeping tipping house,		6	2	1		2	1
Misdemeanor		1		1			
Total	3	19					
<i>November Term, 1828.</i>							
Fornication and Bastardy		3				2	1
Larceny,		1	1				
Assault and battery		6	3	2		1	
Passing counterfeit money		1				1	
Keeping tipping house	1						
Total	1	11					
<i>January Term, 1829.</i>							
Fornication and bastardy		2	1				1
Larceny		1		1			
Ass. & bat. with int. to com. rape		1		1			
Total		4					
<i>April Term, 1829.</i>							
Fornication and bastardy		6	2			4	
Larceny,	1	5	1	4			
Assault and battery	2	3	3				
Disorderly house		2		1		1	
Keeping tipping house		12	5	2		4	1
Riot	1						
Total		4	28				



## OFFENCES.

Ignoramus.  
True Bill.  
Guilty.  
Not Guilty.  
Guilty of Ass. & B. alone.  
Bills found and cont'd.  
Bills found and settled.

*August Term, 1829.*

Fornication and bastardy	13	4	1	8		
Larceny	2	2	1	1		
Assault and battery	2	8	3	3	2	
Keeping tippling house	12	2	3	4	3	
Gambling	1					
Passing counterfeit money	1					
Kidnapping		1	1			
Disorderly house		1	1			

Total

4 37

*November Term, 1829.*

Fornication and bastardy		1		1		
Larceny		4	3	1		
Assault and battery	11	3	1		2	
Libel	1					
Keeping tippling house		3	1		2	
Robbery		1	1			
Malicious mischief		1		1		
Disorderly house		1	1			
Adultery		1		1		
Fraudulent insolvency		1		1		
Ass. & bat. & false imprison't		1			1	

Total

12 17

*January Term, 1830.*

Fornication and bastardy,		4	1		2	1
Assault and battery,	3	4	1	2	1	
Larceny,		1		1		
Libel		1	1			
Riot		1			1	
Passing counterfeit money		2		1	1	
Murder		1				
Perjury	2	1		1		
Forcible entry and detainer		1		1		
Keeping tippling house		1			1	

Total

5 17

*April Term, 1830.*

Fornication and bastardy		6	4		1	1
Assault and battery		2			1	1
Adultery		2		2		
Disorderly house		1		1		
Tippling house		3		2	1	

Total

14

*August Term, 1830.*

Fornication and bastardy	2	6	2	2	1	1
Assault and battery		6	3	3		
Larceny	1	6	3	1	2	
Tippling house	11	4		1	2	1
Conspiracy to rob		1	1			

Total

14 23

*November Term, 1830.*

Fornication and bastardy		4	1	1	1	1
Larceny		1	1			
Assault and battery	1	5	5			
Maliciously killing a dog		1	1			
Bigamy		1		1		

Total

1 12

*January Term, 1830.*

Assault and battery	1	5	3	2		
Fornication and bastardy		2	1		1	
Larceny		1	1	1		

Total

2 8

## OFFENCES.

Ignoramus.  
True Bill.  
Guilty.  
Not Guilty.  
Guilty of Ass. & B. alone.  
Bills found and cont'd.  
Bills found and settled.

*April Term, 1831.*

Fornication and bastardy		3	1		1	1
Assault and battery	3	1		1		
Larceny		2		2		

Total

3 6

*August Term, 1831.*

Fornication and bastardy		4	1		2	1
Larceny		2	2			
Assault and battery	4	1		1		
Tippling house		4	2			2
Malicious mischief		1		1		

Total

4 12

*November Term, 1831.*

Fornication and bastardy,		2	2			
Larceny		2				
Assault and battery		2	1	1		
Selling unwholesome provision		1		1		
Forgery		1		1		

Total

2 6

*January Term, 1832.*

Fornication and bastardy		4	1		3	
Assault and battery	1	4				

Total

1 4

*April Term, 1832.*

Fornication and bastardy	1	5	2		3	
Assault and battery	1					
Tippling house		2	1		1	
Gambling house	1					
Fraud		2	2			

Total

3 9

*August Term, 1832.*

Fornication and bastardy	2	4	1		2	1
Assault and battery	12	7	5		1	1
Keeping tippling house		6	3	2		1
Larceny	5	3	3			
Passing counterfeit money	1					
Nuisance	1					
Murder	1					
Perjury	1					

Total

23 20

*November Term, 1832.*

Fornication and bastardy		4	4			
Assault and battery	10	3	2		1	
Larceny		2	1	1		
Misdemeanor		2	1	1		
Malicious mischief		1				1
Bigamy		1		1		

Total

10 13

*January Term, 1833.*

Fornication and bastardy		9	2	4	3	
Assault and battery	8	3	3			
Larceny		4	1	2	1	
Adultery		1			1	
Nuisance		1			1	

Total

8 18

*April Term, 1833.*

Fornication and bastardy		4			4	
Assault and battery	1	3	1		2	
Larceny		2	2			



## OFFENCES.

	Ignoramus.	True Bill.	Guilty.	Not Guilty.	Guilty of Ass. & B. alone.	Bills found and cont'd.	Bills found and settled.
Keeping tippling house		2	1				1
Selling counterfeit notes		1			1		
Total	1	12					
<i>August Term, 1833.</i>							
Fornication and bastardy		5			5		
Assault and battery	8	5	2	1	2		
Larceny	5	8	3	1	4		
Horse stealing		1	1				
Passing counterfeit money		1			1		
Receiving stolen goods		1			1		
Disorderly house		1			1		
Keeping tippling house	1	4			4		
Keeping gambling house		1			1		
Manslaughter		1	1				
Gambling with French Bank		1			1		
Assault and battery with intent to kill		1					
Total	15	29					

Schedule showing the commitments to the jail of York County, Penn'a. from the 2d August 1828, to 15th October 1833, with the offence charged.

	Cases.
Fornication and Bastardy	17
Larceny,	50
Assault and Battery,	26
Surety of the Peace,	69
Vagrants,	283
Breaking Sabbath	1
Disorderly House,	4
Costs,	53
Gambling,	2
Forfeiture,	11
Debtors,	230
Counterfeiters,	3
Bail Piece	6
Murder,	3
Adultery,	1
Conspiracy,	2
Rape,	1
Bigamy,	1
Malicious Mischief,	1
Arson,	1
Trespass,	1
Total,	766

Schedule showing the number of Paupers maintained in the York county Alms-House, during the Years, 1828-9-30-1-2.

	Men	Women	Boys	Girls	Total
For 1828	45	35	11	6	97
" 1829	57	33	5	1	96
" 1830	81	38	8	2	129
" 1831	87	67	children included,		154
" 1832	69	45	20 children,		164

Grand Total 610

Population of York county in 1820, 38,759  
do do 1830, 42,658  
of which 274 were free colored persons.

*Pennsylvania Republican.*

MRS. YOHE'S NORTH AMERICAN HOTEL.—This commodious and fine establishment has added another item of value to the improvements of our city, and an adornment to the street upon which it fronts. Its position is a

delightful one. Its front on Chesnut street is more than fifty feet—and its depth more than two hundred feet, reaching from Chesnut to George street.

The Dining room is one hundred feet long, and thirty-two feet wide. It is well ventilated, and warmed most agreeably by furnaces, in the basement story. There are eight spacious parlors—and one hundred lodging rooms, besides ample accommodations for servants. The parlors are fitted up, and finished in modern style, and with great taste and elegance. The chambers are, in all respects, delightful and lack no convenience whatever. The beds and bedding are entirely new. Those who prefer coal, can have it; and those who prefer wood, can also be accommodated, as some of the chambers have grates for coal, and some fire places for wood. Water from the hydrants is conveyed all over the building—and a boiler for heating it in ample quantities, occupies a place in the fourth story. The weary traveller may, without leaving the premises, enjoy the luxury of bathing.

Two well provided bars, occupying separate places, will be always furnished with the best. One in the basement, the other on the first floor. A fire proof room has been prepared, to contain money, or valuable effects of travellers, or boarders.

Mrs. Yohe would seem to have prepared this great establishment for the purpose of setting off, to the best advantage, the thousands of comforts for which our city is distinguished.

In addition to the accommodations of this Hotel, is a large and commodious reading and news room.—*Philadelphia Herald.*

DIED.—On Friday last, Mr. WILLIAM MAIN, aged 71 years. He was, we believe, the oldest *native* citizen of this borough—he was born in the year 1763, and removed to Kentucky, in his youthful days—was among the earliest frontier settlers of that state—he was *born* within 100 yards of the place where he *died*; and is *buried* within 100 yards of the same place! This was his journey from the *cradle* to the *grave*.—*Carlisle Vol.*

At the late Court of Quarter Sessions for the county of Berks, thirty-one bills of Indictment were disposed of. There were about twenty convictions. Nothing above the grade of Larceny.—*Berks' Journal.*

## THE REGISTER

PHILADELPHIA, DEC. 7, 1833.

An interesting letter from Mr. Penn will be found in the present number, written evidently, in a moment when oppressed by the weight of trials such as few ever experience, and still fewer can fully realize. We are indebted to the letter to a kind correspondent, from whose abundant store we should be happy more frequently to be supplied.

The Report of the Pennsylvania Delegates to the Warren Convention is also inserted this week.

The Legislature commenced its session on Tuesday. Mr. Ringland was chosen Speaker of the Senate, and Mr. Finley of the House of Representatives.

The Governor's Message was received too late for insertion this week.

The weather here is unusually mild and pleasant for the season. There has been so much snow in the interior, that some of the members of the Legislature travelled 50 to 100 miles in sleighs.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOI.. XII.—NO. 24. PHILADELPHIA, DECEMBER 14, 1833. NO. 310

## GOVERNOR'S MESSAGE,

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

Fellow Citizens:

In communicating to the General Assembly, information of the state of the Commonwealth, I rejoice that I am enabled to congratulate you on the propitious circumstances under which you have met to perform your Legislative duties. Our country still continues to be the abode of peace; the home of freemen; the favored spot of earth to which the nations of the world continue to look as to the only abiding place of rational liberty. To the American patriot, when he contemplates the pre-eminent advantages his own country possesses over those of every other, in its universal prosperity; the extent, variety, and fertility of its soil; the salubrity of its climate; its physical strength and resources, and the unspeakable amount of human comfort and happiness it imparts, the reflection must be peculiarly gratifying, that the government under which he lives, and by which he is protected, so mild in its measures; so simple in its structure; based upon the will and the affections of the people; noiselessly, but effectually, operating upon and controlling more than twelve millions of citizens, native or adopted; its power no where seen or felt, except in the administration and the execution of just and equitable laws, righteously administered, and mildly, but firmly enforced, continues, after the lapse of little short of half a century, to unfold the appropriate energies inherent in its constitution, to withstand all the trials and difficulties with which it has been destined to contend; and that our unostentatious republican institutions, emanating from the people and sustained by their virtue and intelligence, have emerged from every onset, whether of foreign war or domestic disaffection, with such healthful manifestations of undiminished energy and vigor, as to inspire renewed confidence in their stability, and to encourage a belief in the perpetuity of their endurance. A prudent course of administration, extending its fostering care and protecting influence into every part of the Union; that will continue to cherish the great national interests of Agriculture, Commerce, and Manufactures, preserving them as much as possible in a condition of prosperous equality, neither fostering the one to the exclusion of others, nor withholding aid and encouragement from either, when it is needed, will contribute greatly towards producing so desirable a result.

In our own Commonwealth, we are in the enjoyment of every comfort that can reasonably be desired to minister to the wants, or to gratify the wishes of rational creatures. The health of our citizens, with the exception of a slight visitation in a single quarter of the State, has been marvellously preserved; abundant harvests have richly rewarded the toil of the husbandman, and a prosperity, as universal as it is grateful, is the portion of an industrious enterprising people. In appreciating these blessings as we ought, fellow citizens, it becomes us to be mindful of our obligations to the beneficent source from whence they are derived, and to adore, with grateful hearts, the goodness of Him who so bountifully supplies all our wants, and graciously dispenses to each of us so many unmerited favors.

Your predecessors having failed, at the last session

of the General Assembly, to elect a Senator, to represent this State in the Congress of the United States, for six years from the fourth of March last, the duty will devolve upon you to fill the vacancy which was thus occasioned and now exists; and as the State is but partially represented in that dignified branch of the national Legislature, now in session, your early attention is respectfully invited to the subject.

In the course of your deliberations, but few laws of a general nature will require your attention; such, however, of that description, as will present themselves for your consideration, will be of general interest to our constituents, and public expectation will be disappointed, if their enactment should be neglected or postponed. With few exceptions, our civil and criminal codes are sufficiently copious already, and contain provisions and sanctions abundantly comprehensive, as well for the just and equitable administration of the government in all its departments, as for the protection of the citizen in all his rights. The former is under a course of revision by commissioners appointed under a resolution of the General Assembly, who so far as they have progressed in the difficult work, have given ample proof of a determination, as well as the ability, to give the State a code of laws as perfect as human industry, laborious research, and legal skill combined, can make it, and which will, it is believed, require but little more of the action of the General Assembly to give it effect, than its sanction and approval. Several reports have heretofore been made by the revisers, in part, accompanied by bills, some of which still remain to be acted upon by the Legislature; and being for the most part of much general interest, it is believed, that their enactment into laws would conduce to the public good. A further report, from the same source, of other important bills, may be expected shortly.

The promptitude with which crime is detected; its efficient and certain punishment; the checks and restraints imposed upon criminals by the provisions introduced into our penal code, designed as well for the reformation as for the punishment of the convict, it is believed will always furnish as much security to the lives, the persons, and the property of our citizens, as can be reasonably expected from human enactments. It may not be improper here to state, for the information of the General Assembly, that our plan of penitentiary reform, as practised in the prison at Philadelphia, denominated "The Eastern Penitentiary," continues to elicit the approbation of all who have had an opportunity of witnessing its salutary influence upon the unfortunate convicts, and to answer the just expectations of its most ardent friends. On the first day of November, last, there were one hundred and thirty-two convicts confined within the cells of this prison, of which number, one hundred and twenty-eight were males, and four females. Fifty one of these were received into the prison since the first of January, last. In the management of the Institution, and the enforcement of its discipline, great praise is due to those to whom the supervision and care of the establishment is confided, and to none more peculiarly so, than to the prudent and intelligent warden to whose acuteness and sagacity, the system owes many of its valuable improvements, and to whose energy and firmness in carrying it into execution, it is



greatly indebted for its efficiency and success. That the depraved and reckless inmates of one hundred and thirty-two cells should be reduced to obedience and submission, without the infliction of stripes, or a more rigorous punishment than solitary confinement without labor, and a diminution of food for the refractory, and separate confinement with labor, the ordinary discipline of the establishment, for those who are not so, is not a little extraordinary; but that the punishment, thus inflicted, should be so far efficacious as to reclaim the hardened offender, as would seem to be demonstrated by the remarkable fact, that of fifty-two convicts discharged from the prison since it has gone into operation, not one of them has been returned, is truly astonishing. From the organization of the establishment until the first of October, last, its avails, arising principally from the profits upon the labour of the convicts, have exceeded its current expenses to the amount of eight hundred and fifty-seven dollars and sixty-four cents; but there has been an excess of the latter, over the former, for the ten months immediately preceding and ending on the same first day of October, last, of four hundred and eighty-six dollars; this is accounted for, partly, upon the ground of the depreciation in the value of cotton goods manufactured at the prison, of which there was a heavy stock on hand when the depression took place; partly from the want of capital to pay for the raw material, of which there was purchased on the credit of the institution, and used in the manufacturing department to the value of ten thousand dollars, upon which sum, after the usual periods of credit, interest accrued, the payment of which necessarily reduced to a certain extent the proceeds arising from that source; and lastly, from the receipt into the establishment of a large number of convicts who were not mechanics, and whom it was necessary to instruct in some mechanic art before their labor could become profitable to the institution, and whose earnings until then were not equal to their subsistence. It is believed by those whose opinions are the result of experience, and are consequently entitled to respectful consideration, that if a moderate fund should be appropriated by the Legislature of the State, and placed at the disposal of the persons having the charge of the manufacturing department, thus enabling them to purchase the raw material at cash prices, the advantages resulting to the institution would be found to be of sufficient moment to justify the measure. Without, however, expressing an opinion on the subject, I submit the suggestion itself for the consideration of the General Assembly.

In pursuance of the authority and directions contained in the act of the twenty-seventh February last, "*relative to the Western and Eastern Penitentiaries, and the Philadelphia County Prisons*," the Inspectors of the Western Penitentiary have been actively engaged in effecting the alterations in the structure of that establishment, contemplated in the first section of the act; and of the one hundred and eighty-four cells authorised to be constructed, the stone and brick work of a block consisting of one hundred and four cells of two stories in height, adapted to the discipline of solitary confinement with labor as practised in the Eastern Penitentiary, is nearly completed, and the other work pertaining to them is also considerably advanced. It is confidently believed that with proper exertions this tier of cells will be fit for the reception of convicts early in the month of April next. Other important portions of the work, forming essential parts of the contemplated alterations, consisting of structures of various kinds, are in a state of active forwardness, and will, together with the cells above mentioned, be roofed and closed in, during the present season. When both these establishments shall have been entirely completed, and the system of discipline intended to be enforced throughout, shall have gone into full operation, it is not doubted that a considerable revenue will be derived to the State from these sources.

Whilst we lament the depravity, and deplore the frailty of human nature, which give occasion to the necessity for supporting such institutions amongst us; it requires no extraordinary stretch of sagacity to trace their causes, in a great measure, to an entire neglect of mental culture and of moral and religious instruction, which is so alarmingly conspicuous in some parts of our (in other respects) flourishing Commonwealth; and to discover a remedy which, if not sovereign, will at least contribute to a more healthy state of the public virtue and morals; in a suitable attention to an enlightened cultivation of the minds of our youth; to a more general diffusion of knowledge, and to an enlarged, liberal, and extensive intellectual improvement; capable of elevating the understanding above the degrading influence of the passions; the seductive blandishments of vice; or the deceptive delusions that mask the infamy of crime.

UNIVERSAL EDUCATION, if it were practicable to enforce it every where, would operate as a powerful check upon vice, and would do more to diminish the black catalogue of crimes, so generally prevalent, than any other measure, whether for prevention or punishment, that has hitherto been devised; in this State, it is not only considered as being entirely practicable, but is enjoined by the constitution as a solemn duty, the non compliance with which, has already stamped the stain of inexcusable negligence, upon the character of the Commonwealth, which nothing short of prompt and efficient measures in compliance with the constitutional requisition can remove. The Legislature has the authority of the constitution to act efficiently, and without control in this matter. And "*to provide by law for the establishment of schools throughout the State, in such manner that the poor may be taught gratis*," is one of the public measures to which I feel it to be my duty now to call your attention, and most solemnly to press upon your consideration. Our apathy and indifference in reference to this subject, becomes the more conspicuous, when we reflect, that whilst we are expending millions for the improvement of the physical condition of the State, we have not hitherto appropriated a single dollar, that is available, for the intellectual improvement of its youth: which, in a moral and political point of view, is of ten fold more consequence, either as respects the moral influence of the State, or its political power and safety. Let me not be understood, however, as objecting to the expenditure of money in prosecuting the public works—far from it; but I would respectfully urge that whilst the one is being successfully done, the other should not be left undone; indeed, judging from the flattering indications already given by the former, there is reason to believe that, from the redundant and progressively increasing revenue, which may with great certainty be expected to flow into the treasury from that source, much aid may, at no distant day, be derived to the latter, should it be found expedient to resort to that branch of the public revenue for such a purpose.

According to the returns of the last census, we have, in Pennsylvania, five hundred and eighty-one thousand one hundred and eighty children, under the age of fifteen years, and one hundred and forty-nine thousand and eighty-nine, between the ages of fifteen and twenty years, forming an aggregate of seven hundred and thirty-thousand two hundred and sixty-nine juvenile persons of both sexes, under the age of twenty years, most of them requiring more or less instruction. And yet, with all this numerous youthful population, growing up around us, who in a few years are to be our rulers and our law givers, the defenders of our country and the pillars of the State, and upon whose education will depend, in a great measure, the preservation of our liberties and the safety of the republic, we have neither schools established for their instruction, nor provision made by law, for establishing them as enjoined by the constitution. How many of the number last mentioned would be entitled, within the meaning of the constitution, to be "*taught gratis*," I have no means of ascer-



taining, but am inclined to the opinion, that four hundred thousand would fall short of the true number; about twenty thousand of these, as appears from the returns made to the Secretary of the Commonwealth, under a resolution of the House of Representatives of the ninth of January last, are returned as charity scholars whose tuition is to be paid for out of the county funds, leaving, according to this assumption, three hundred and eighty thousand entirely uninstructed.

I have said that there has not hitherto been an appropriation made that is available for the purposes of education; this is literally true, but the Legislature, by the act of second April, eighteen hundred and thirty-one, have made provision for creating a fund, in prospect, for that object, by setting apart for common school purposes, the proceeds arising from unpatented lands, fees in the land office and all moneys received in pursuance of the provisions contained in the fourth section of the act to increase the county rates and levies, passed the twenty-fifth day of March, eighteen hundred and thirty-one, which, it is estimated, will, on the fourth day of April next, amount to a sum not less than five hundred and forty-six thousand five hundred and sixty-three dollars, and seventy-two cents. This sum, with the amount annually accruing from the increased county rates and levies for the use of the Commonwealth whilst the act continues in force, and that arising from a continuance of the avails of the land office thereafter, is chargeable upon the internal improvement fund, at a compound interest of five per cent. per annum, until it shall produce one hundred thousand dollars annually, after which, the interest is to be distributed at the end of each year, and applied to the support of common schools throughout the State. Estimating this fund in its most unfavorable aspect, the interest will amount to the sum contemplated for distribution on or about the first of April, eighteen hundred and forty-three; in the mean time, however, there are no available means for commencing this much desired measure of State policy, this true system of republican equality that will level all distinction between rich and poor; that will place the child of the most indigent citizen of the Commonwealth upon a level with that of his richer neighbor, both in the school room and upon the Campus; will instruct the rising generation in their duties as citizens; enable them to appreciate the sentiment of acquired freedom; and secure the perpetuation of civil and religious liberty to our country, by teaching them what civil and religious liberty really import and mean. It is to this all-important measure, both as regards our happiness as a people and the security of our invaluable political institutions, to which I would earnestly invite your immediate attention, and upon which I would solicit your prompt action.

It is time, fellow citizens, that the character of our State should be redeemed from the state of supineness and indifference under which its most important interests, the education of its citizens, have so long been languishing, and that a system should be arranged that would ensure, not only an adequate number of schools to be established throughout the State, but would extend its provisions so as to secure the education and instruction of a competent number of active, intelligent teachers, who will not only be prepared, but well qualified to take upon themselves the government of the schools, and to communicate instruction to the scholars. Some of our colleges that had been abandoned either from mismanagement, or the want of sufficient encouragement, are about to be resuscitated under encouraging circumstances; most of these have partaken largely of the liberality and bounty of the State, and would doubtless willingly extend their aid to accomplish an object so desirable. Others have but recently been established and gone into operation, and have as yet, received no share of the Commonwealth's munificence; some, if not all of these last mentioned, have adopted the popular and approved Pellenberg system of uniting labor with study; these, it is believed, would make ad-

mirable nurseries for bringing up and qualifying young men for the business of teaching. Moderate appropriations in aid of those literary institutions that have not participated of the Commonwealth's bounty, might place them in a condition to furnish the State with a respectable number of well educated young men, instructed, as some of those institutions propose to do, in the business of teaching as a profession, in a short time and at a comparatively trifling expense. These suggestions are thrown out for your consideration, should they elicit a more eligible or better plan for attaining the end desired, it will afford me much gratification to unite with the General Assembly in carrying it into effect.

The opinion is entertained by many of our citizens and not a few of our statesmen, that individual enterprise, in Pennsylvania, has been greatly discouraged, and in some instances entirely depressed, by the too general and indiscriminate conferring of corporate privileges, creating monopolies in branches of industry which ought to be left to individual exertion alone. Our statute books exhibit a spirit of liberality, in the legislation of the State in that respect, which it might be prudent, in some measure, to restrain. The true line of discrimination would seem to be this, that in all great and important undertakings or enterprises, having for their object the advancement of the public convenience, accommodation or interest, to the accomplishment of which individual effort and capital would be inadequate, acts for the incorporation of companies or associations of individuals, may be safely, and, in many instances, beneficially granted; but, wherever a branch of business or enterprise of any kind can be successfully and advantageously conducted or carried on by citizens in their individual capacities, there ought to be no legislative interference; but the enterprise, whatever it may be, should be left entirely to individual exertion, and to that spirit of competition which never fails to be awakened and rendered sagacious by personal interest or the alluring prospect of gain. Another objection, of much force, is made to the privilege of voting by proxy, peculiar in this country, I believe, to corporations alone, as being entirely at variance with the genius and principles of our government. This scion of arbitrary power, it is believed ought not to remain engrafted upon our institutions, inasmuch as it is often perverted to the basest of purposes, by the individual who has address enough to procure a sufficient number of proxies to control the elections of the institution of which he is a member: the provisions of the acts of Assembly on this subject, being either entirely disregarded or shamefully evaded. The tyranny displayed by individuals, resulting from this privilege, is not unfrequently severely felt by the members of the corporation themselves, who become objects of displeasure with him who wields the power, but the whole community within the reach of its influence, is often injuriously affected by it. Other reasons might be advanced to induce legislative interference; enough has been said, it is presumed, to elicit inquiry.

Complaints are general throughout the State, in reference to the laws now in force, denominated "the Militia System," and the burdens and exactions in which they involve a large portion of the most industrious and useful class of our citizens. Many of these complaints are doubtless well founded, and require a corrective; but whatever may be the defects and imperfections of the system, a question worthy of grave consideration presents itself at the very threshold of the inquiry,—to determine as to the nature and extent of the remedy to be applied, and how far it is within the competency of the Legislature of a State to apply it. The Constitution of the United States has expressly delegated to Congress the power "to provide for organizing, arming and disciplining the militia," reserving to the States "the appointment of officers and the training of the militia according to the discipline described by Con-



gress." The act of Congress of the eighth of May, seventeen hundred and ninety-two, entitled, "*An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States,*" has made provision for the organization, and prescribed the rules of discipline according to which the militia is to be exercised and trained; and has also designated, with sufficient clearness and certainty, the description of persons who are to be subject to the discipline prescribed. That there is a much greater number of militia enrolled and obliged to submit to the alternative of training or paying fines, than there is occasion for, or than will be needed or could be usefully employed for the defence of the country, will not, I presume, be disputed; but, whether that number could be reduced to the extent desired, without running counter to the provisions of the paramount act of Congress referred to and disturbing the uniformity intended to be established by Congress throughout the United States, is a question worthy of consideration. The system, as at present existing in Pennsylvania, is not only grievously burdensome to the people, but is a drain, to a considerable extent, upon the public treasury, and its radical reorganization could not be otherwise than acceptable to the community. To make the militia effective as a military force, its reorganization *must be entire*, and to accomplish that, Congress alone, according to my impression, possesses the power. The Legislatures of the States may administer palliatives, but do not possess the competent means to effect a radical cure. I think I am borne out in this opinion, by the course recently pursued by the Legislatures of several of our sister States, instructing their Senators and requesting their Representatives in Congress, to use their exertions to procure the passage of a law for the more perfect organization of the militia of the several States of the Union; evidently questioning their own competency to arrange systems for their respective States, independently of the acts of Congress. A communication, containing resolutions to this effect, has been received from the Governor of the State of New Hampshire, since the adjournment of the Legislature, copies of which are herewith transmitted. I take great pleasure in informing the General Assembly, that from information recently received, I am authorized to state, that the board of commissioners to revise the Civil Code, have prepared a bill in relation to this distracting subject, which may be expected at an early period of the present session; and from the able manner in which the gentlemen composing that board discharge their duties generally, and the thorough examination the subject upon which each bill reported by them is predicated, undergoes before it is submitted to the Legislature, we may expect to derive much valuable information from its arrangement and provisions, and the views taken of the subject by the commissioners, in their report, if we should not approve of the bill itself in all its details.

The loan of two millions five hundred and forty thousand six hundred and sixty-one dollars and forty-four cents, authorized by the act of the sixteenth of February last, after the usual notice had been given, was taken by Doctor Jesse R. Burden, he agreeing to pay one hundred and thirteen dollars and fifty-one cents in money, for every hundred dollars of stock, bearing an interest of five per cent per annum. And that of five hundred and thirty thousand dollars, directed to be made by the act of the twenty-seventh of March last, was taken, after similar notice, by Messrs. S. & M. Allen of the city of Philadelphia, at one hundred and fourteen dollars in money, for every one hundred dollars of stock, bearing a like interest; they having previously become possessed of the first mentioned loan, by transfer from the original holder. By these several transactions, the State will have realized, upon receipt of the whole amount borrowed, two hundred and fifty one thousand three hundred and fifty-seven dollars and

fifty eight cents, in premiums, or as bounties paid for the loans thus made.

In my last annual message, I stated upon information derived from a source in which I had entire confidence, that most of the new works, then under contract, would be finished in the course of this season. It appears, however, that the expectations then entertained will not be realized to the extent anticipated. Various causes, not within their control, as I have been informed, are assigned, for their non completion, in the reports of the agents having immediate charge of the works. As a statement of the causes that operated to produce such a result will be exhibited in detail by the board of canal commissioners in their report, I respectfully refer you to that document for the necessary explanations. Whilst, however, it is to be regretted that any portion of the public works alluded to should, from any cause, remain unfinished, it is nevertheless highly gratifying to learn, that although only seventy-two additional miles of canal and rail-road have been in use during the present season the tolls have been increased to an amount in that time nearly threefold that of the preceding season. The tolls received upon our public improvements during the year ending on the 31st of October, eighteen hundred and thirty-two, amounted to fifty thousand nine hundred and nine dollars and fifty-seven cents; those received for the year ending on the thirty-first of October, last, amount to one hundred and fifty one thousand four hundred and nineteen dollars and sixty-nine cents; and this too before the works had become connected, or the people were prepared with the necessary means for transportation upon them. It is confidently expected by those whose means of information enables them to calculate with some degree of certainty, that the tolls to be received for the current year (1834,) will fall little short of, if they do not exceed, a half a million of dollars. Should that be the case, of which there is scarcely a doubt entertained, the public improvements will at once have relieved the people from the payment of the interest upon ten millions of dollars of State debt, and to that amount, the debt contracted by the State for internal improvements, may be considered as neutralized if not virtually paid; the improvements being to all intents and purposes equivalent in point of value to the sum upon which their proceeds pay the interest. It is proper, however, to remark that in order to realize this sum from tolls, as well as to secure the trade of the West much will depend upon the enterprise and exertions of individuals. The State at a vast expense will have completed, early next spring, an entire line of communication between Philadelphia and Pittsburg by canals and rail-ways; upon these merchandise and produce can be transported from city to city, in the short period of eight days, and that too, at a rate of freight so much reduced, as to enable us to enter into successful competition with our rivals for the Western trade. But this trade, so important, as well to the revenue of the Commonwealth, as to the future wealth and prosperity of our principal commercial cities, is not to be secured but by timely and vigorous efforts. The Commonwealth, so far as she was concerned in the general welfare, has done her duty in the construction of the public works; but it is not to be expected that she will line them with boats, or cover them with cars; this must be done, if done at all, by individuals or companies. The importance of securing the trade of the Western States, has for years past, attracted the attention of two of our most enterprising and prosperous sister States, the one on the North and the other on the South, nor have the most strenuous and persevering efforts been wanting on their part to monopolize so important a branch of commerce. A policy on our part that would induce us to remain idle spectators when so much is at stake, would be altogether indefensible, especially, when we have all the advantages of a central position: the shortness of our route: the advantages of earlier and later navigation of our canals: our mineral wealth



and agricultural productions, all presenting a superiority of advantages and facilities in accomplishing the important object, which if early embraced and vigorously improved, will not fail to secure to our Commonwealth, a complete ascendancy. To our merchants and others interested in securing a commerce so extensive as well as profitable, the necessity of prompt and efficient measures to have in readiness all the facilities and means for an active and energetic transportation upon our public works early in the spring, must be manifestly obvious.

For the amount in detail, of the appropriations that will be required to complete the unfinished works, and finish the rail roads with the necessary appendages to put them in operation, I must beg leave to refer you to the report of the board of canal commissioners.

With prospects so flattering, fellow citizens, in the very infancy of our public works, the friends of the internal improvement policy may rest satisfied that the day is not far distant, when Pennsylvania, encouraged by the success which has attended her public improvements; their continually increasing productiveness; the overflowing treasury, for which she will be indebted to the redundant revenues derived from that source; and threatened as she is, on all sides, to be deprived of that commerce which the God of Nature seems to have destined for her use, will in her own defence force the waters of Lake Erie to mingle with those of the Allegheny and the Delaware; the Ohio canal to become tributary to her own extensive improvements; the waters of the Cayuga and Seneca lakes, by means of the Elmira canal, to unite with those of the Susquehanna; and will cause the wilderness countries, drained by the improvements by which all this will be accomplished, to "smile and blossom as the rose." This may be regarded as fancy now, but it must become fact before long; and, judging from "the signs of the times," it would not be surprising if it should all happen in our own day and generation, and be achieved by the force of public opinion itself.

The finances of the Commonwealth should always claim the attention of a vigilant Legislature; and a rigid scrutiny and examination into their condition, and the conduct of those to whose control and management they are entrusted, will not fail to be attended with beneficial consequences. The reports of the accounting officers will be laid before you, and will exhibit a most healthful and prosperous state of the revenue for the fiscal year, ending on the first of November last. The receipts into the Treasury arising from the ordinary sources of income, will be found to have exceeded those of the last year to the amount of fifty-seven thousand, seven hundred and forty-four dollars and fifty-four cents, and after defraying the current expenses of the Government, a large amount of local appropriations, and restoring to the internal improvement fund the sum of one hundred and thirty-five thousand eight hundred and ninety-seven dollars and eighteen cents, which had been authorized by law to be taken from that fund for the payment of interest due in August, eighteen hundred and thirty-two, have left a balance in the Treasury, on the first of November last, of three hundred and sixty-seven thousand, four hundred and twenty three dollars and thirty cents, to meet future contingent and other demands upon the Government. It is proper that I should state, for the information of the General Assembly, that three hundred and eighty thousand dollars, part of a loan of six hundred thousand dollars authorized by act of thirtieth March, eighteen hundred and twenty-four, will be reimbursable on the first of May next: such, however, are the gratifying assurances received from the heads of the financial departments, as to leave no doubt of the ability of the Treasury, without materially interfering with the numerous other demands upon it, to meet the occasion, and to reimburse to the holders of the stock, the amount of principal and interest that will then be due, without the necessity of

resorting to a loan, or any other measure for that purpose. It affords me much pleasure to assure the General Assembly, that such are the cheering prospects in regard to the future redundancy of the revenues of the State, and the flattering evidences of continued accretion and increase, as to leave no room to doubt of the entire ability which will thus accrue to the Treasury, and enable it to meet the ordinary demands upon it as they shall hereafter arise.

As it is more than probable that the commissioners for revising the civil code will prepare and report a bill for the organization of the several courts, I shall forbear from urging the subject of the Judiciary upon your attention at this time.

I received, during the recess of the Legislature, a communication from the Secretary of the Navy, in relation to the act of the last session, ceding to the United States jurisdiction over certain grounds and buildings belonging to the Naval Asylum, near the city of Philadelphia, to which I would ask the early attention of the General Assembly. Copies of the communication will be laid before you.

I have also received from the Governor of the State of Massachusetts, communications accompanied by an act and resolution of the Legislature of that State, on the subject of lotteries; also a report and resolutions in relation to the public lands of the United States; also a report and resolutions relative to a proposition for a convention of the States, to revise the Constitution of the United States; also a report and resolutions in relation to certain resolutions of the State of Georgia on the same subject.

A letter from the Governor of New Hampshire, enclosing a resolution of the Legislature of that State, relative to an exchange of law reports.

A letter from the Executive of the State of Connecticut, enclosing certain resolutions of the General Assembly of that State, relative to the Tariff laws, and amendments of the Constitution of the United States.

A communication from the Governor of Maryland, enclosing certain resolutions of the General Assembly relative to the South Carolina ordinances.

Also a communication from the Governor of the State of Mississippi, enclosing the proceedings of the Legislature of that State, upon certain resolutions of the Legislature of the State of Georgia, in relation to the call of a convention of the States, for the purpose of amending the Federal Constitution: Copies of all which, will be laid before you.

In closing this communication, allow me, fellow citizens, to advert once more to the happy condition of our beloved country, and its incomparable institutions, and whilst I exhort you to watch with an untiring vigilance over the political rights of our own Commonwealth, reserved to her by the great charter of our liberties, permit me to invoke your patriotism and your zeal, and through you, that of our common constituents, in behalf of that unity of government which constitutes us one people; to implore you and them to rally round the Federal Union, as the palladium of our political safety and happiness; watching, in the language of the father of his country, "for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

Finally, in the discharge of your legislative duties, let me assure you of a hearty concurrence, on my part, in all constitutional acts and measures tending to the public good; and that you may be guided, in your deliberations, by that wisdom which cannot err, to the adoption of such measures as will do honor to yourselves and advance the prosperity and happiness of the people, is my sincere and fervent prayer.

GEO. WOLF.

Harrisburg, December 4th, 1833.



## REVENUE OF THE COMMONWEALTH FOR 1833.

(For Summary of the Revenue and Expenditure, see page 347, of present vol. of Reg.) Total \$4,164,217 78

## No. I.

*Lands, Fees on Lands, &c.*

Amount of purchase money, with interest thereon	\$39,264 30
Fees on warrants and patents	7,824 36
<i>Office Fees.</i>	
Surveyor General's Office	953 86
Secretary of the Land Office	337 12
	<hr/> \$48,379 64

## No. II.

*Auction Commissions.*

A. J. Lewis	\$2,000 00
James Burk	2,000 00
George Thomas	2,000 00
Samuel W. Lippincott	2,000 00
Richard F. Allen	2,000 00
Henry D. Mandeville	2,000 00
George K. Kuhn	1,000 00
William Baker	1,000 00
T. B. Freeman	300 00
Charles J. Wolbert	300 00
James Clark	200 00
Curtis Clayton	200 00
George P. Bonnin	200 00
John D. Goodwin	200 00
Stephen Poultercr	200 00
George Riter	100 00
	<hr/> \$15,700 00

## No. III.

*Auction Duties.*

Richard F. Allen	25,697 02
George Thomas	19,893 52
Samuel W. Lippincott	10,790 91
Henry D. Mandeville	8,433 28
A. J. Lewis	7,567 93
Moses Thomas	1,592 15
William Baker	1,401 91
Charles J. Wolbert	891 10
James Burk	507 52
P. M'Kenna	384 38
David Lynch	335 05
George Riter	308 20
T. W. L. Freeman	294 82
T. B. Freeman	244 97
Stephen Poultercr,	182 92
Robert Moderwell	176 89
George K. Kuhn	141 79
John D. Goodwin	108 01
James Clark	37 09
Joseph Aitken	25 54
George P. Bonnin	12 88
Curtis Clayton	10 20
	<hr/> \$79,038 08

## No. IV.

*Dividends on Bank Stock.*

Bank of Pennsylvania	105,000 00
Philadelphia Bank	31,398 00
Farmers' and Mechanics' Bank	6,832 00
	<hr/> \$143,230 00

## No. V.

*Dividends on Bridge, Navigation and Turnpike Stock.*

Harrisburg bridge	\$7,200 00
Allegheny	4,400 00
Northumberland	1,000 00
Lewisburg	800 00
Conemaugh	700 00
Big Beaver	600 00
Schuylkill bridge at Norristown	180 00
Schuylkill bridge at Pottstown	120 00
Schuylkill navigation company	5,500 00
Bedford and Stoystown turnpike road company	2,153 85
Centre	1,600 00
Middletown and Harrisburg	1,260 00
Chambersburg and Bedford	826 35
Bellefonte and Phillipsburg	600 00
Pittsburg and Steubenville	420 00
Lancaster, Elizabethtown and Middletown	400 00
Easton and Wilkesbarre	375 00
Erie and Waterford	200 00
Susquehanna and York borough	200 00
	<hr/> \$28,535 20

## No. VI.

*Tax on Bank Dividends.*

Commercial bank of Pennsylvania	4,480 00
Schuylkill bank	4,160 00
Bank of North America	4,000 00
Mechanics' bank of Philadelphia	3,170 92
Bank of Chester county	2,695 80
Bank of Northern Liberties	2,400 00
Bank of Pittsburg	2,218 68
Kensington bank	2,000 00
Southwark bank	2,000 00
Easton bank	1,887 26
Farmers' bank of Lancaster	1,724 28
Harrisburg bank	1,268 20
Farmers' bank of Reading	1,242 08
Bank of Chambersburg	1,201 15
Bank of Penn township	1,200 00
York bank	1,079 81
Carlisle bank	1,057 85
Western bank of Philadelphia	960 00
Bank of Montgomery county	854 37
Miners' bank of Pottsville	783 97
Bank of Germantown	725 20
Northampton bank	666 88
Bank of Delaware county	620 08
Gettysburg bank	595 08
Monongahela bank of Brownsville	571 88
Lancaster bank	468 91
Wyoming bank	384 00
Bank of Northumberland	365 45
Farmers' bank of Bucks county	303 64
Lebanon bank	195 88
Erie bank	123 54
	<hr/> \$45,404 91

## No. VII.

*Tax on Offices.*

John M. Snowden, register and recorder of Allegheny county	82 05
William Purdy, prothonotary of Bucks county	53 98
John W. Cunningham, prothonotary of Chester county	25 61
John Roberts, prothonotary of Dauphin county	591 62
Paul I. Hetich, register and recorder of Franklin county	15 33



Christian Bachman, prothonotary of Lancaster county	616 12	Thomas Hastings, prot. reg. and rec. Jefferson	24 25
William Whiteside, register of do.	554 01	James Corbet, late do do.	31 52
Jacob Fry, junior, prothonotary of Montgomery county	150 82	William W. Kirk, prothonotary of Juniata	79 79
William Powell, register and recorder of do.	150 00	Robert Barnard, register and rec. do.	62 57
Alexander M'Caraher, recorder of Philadelphia county	6,060 61	James S. Law, late do do.	98 45
John Lisle, prothonotary of the District court of Philadelphia	2,912 09	Christian Bachman, prothonot'y of Lancaster	457 60
Richard Palmer prothonotary of the Common Pleas of Philadelphia county	1,334 47	William Whiteside, register do.	99 91
John Humes, register of Philadelphia county	1,781 80	Jacob Peeler, recorder do.	497 12
Joel B. Sutherland, deputy attorney general for Philadelphia county	91 00	Adam Ritscher, prothonotary of Lebanon	169 89
	<u>\$14,399 51</u>	John Uhler, register do.	33 47
		John Shindle, recorder do.	110 95
		John Wilson, register and recorder of Lehigh	192 41
		Henry Pettebone, prothonotary of Luzerne	234 50
		Isaac Bowman, register and recorder do.	524 70
		Joseph Wood, prothonotary of Lycoming	173 63
		John Vanderbelt, register and recorder do.	236 68
		John Keck, prothonotary of Mercer	50 00
		Samuel Holstein, register and recorder do.	250 00
		Asa Sartwell, prothonotary of M'Kean	18 50
		Richard Chadwick, reg. and rec. do.	76 47
		David R. Reynolds, prothonotary of Mifflin	120 00
		Joshua Beale, register and recorder do.	245 00
		Adam Slemmer, prothonotary of Montgomery	88 03
		Jacob Fry, jr. late do do.	282 59
		William Powell, register do.	116 40
		Samuel D. Patterson, recorder do.	248 20
		William L. Sebring, prot. of Northampton	291 49
		George Hess, jr. register and recorder do.	38 32
		Edward V. Bright, prot. of Northumberland	149 29
		Solomon Shaffer, register and recorder do.	175 30
		George Stroup, prothonotary of Perry	120 44
		John M'Keehan, register and recorder do.	214 86
		John Lisle, prot. district court of Philadelphia	1,597 12
		Richard Palmer, prot. common pleas do.	360 12
		John Humes, register do.	278 88
		Alexander M'Caraher, recorder do.	3,125 83
		John H. Brodhead, prothonotary of Pike	125 38
		Samuel De Puy, recorder do.	35 00
		Jacob Hammer, prothonotary of Schuylkill	249 78
		Chauncey Forward, prot. reg. and rec. Somerset	357 81
		Asa Dimock, prothonotary of Susquehanna	129 21
		C. L. Ward, register and recorder do.	133 86
		William Jessup, late recorder do.	55 00
		Jonah Brewster, prothonotary of Tioga	159 44
		Benjamin B. Smith, register and rec. do.	118 34
		Joseph Stilwell, prothonotary of Union	172 90
		Samuel Roush, register and rec. do.	293 42
		Arnold Plumer, prot. reg. and rec. Venango	98 50
		W. W. Hodges, prot. reg. and rec. Warren	108 50
		Thomas Officer, prothonotary of Washington	197 92
		John Grayson, register do.	38 80
		William Hodge, recorder do.	294 88
		Randal M'Laughlin, prot. of Westmoreland	226 73
		Alexander Johnston, register and rec. do.	321 07
		Michael Doudel, register of York	34 44
		Charles Nes, recorder do.	179 94
		William Duane, prothonotary of Supreme Court, Eastern District	158 11
		John K. Findly, prothonotary of Supreme Court, Lancaster District	162 96
		Alexander Jordan, prothonotary of Supreme Court, Middle District	149 38
		Leonard S. Johns, prothonotary of Supreme Court, Western District	281 78
			<u>\$24,771 00</u>
		No. IX.	
		<i>Fees of the Secretary of State's Office.</i>	
		Amount of fees received and accounted for by Samuel M'Kean Secretary of the Commonwealth,	<u>\$728 33</u>
George Zeigler, prothonotary of Adams county	103 55		
John B. Clark, register and recorder do.	60 00		
William M'Candless, prothonotary of Allegheny	667 90		
John M. Snowden, reg. and rec. do.	505 86		
Frederick Rohrer, prothonotary of Armstrong	130 00		
John Croll, register and recorder do.	190 00		
James Logan, prothonotary of Beaver	90 00		
David Johnson, register and recorder do.	205 64		
Job Mann, pro. reg. and rec. of Bedford	582 91		
George Smith, register of Berks	56 74		
James P. Bull, prothonotary of Bradford	207 83		
William Purdy, prothonotary of Bucks	295 61		
Andrew Heller, register do.	74 21		
Michael Dech, recorder do.	530 11		
Peter Duffy, prothonotary of Butler	80 00		
William Stewart, late do. do.	45 00		
Maurice Bredin, register and recorder do.	30 00		
Adam Bausman, prothonotary of Cambria	70 08		
Philip Noon, late do. do.	129 50		
James Gilliland, prothonotary of Centre	154 94		
William Pettit, register and recorder do.	190 60		
John W. Cunningham, prot. of Chester	351 87		
Nimrod Strickland, register do.	20 85		
do. late recorder do.	403 52		
Robert Ralston, recorder of Chester county	195 80		
do. late register do.	51 41		
Joseph Boone, prot. reg. and rec. of Clearfield,	60 00		
Jacob Eyerly, prothonotary of Columbia	288 12		
John Cooper, register and recorder do.	155 69		
Edward A. Reynolds, prothonotary of Crawford	150 00		
William W. White, reg. and rec. do.	165 00		
John Harper, prothonotary of Cumberland	422 44		
Samuel Woodburn, register do.	25 22		
James Crever, recorder do.	161 99		
John Roberts, prothonotary of Dauphin	336 84		
Samuel Pool, register and recorder do.	264 33		
John K. Zeilen, prot. reg. and rec. of Delaware	212 00		
Edwin J. Kelso, prot. reg. and rec. of Erie	350 42		
Richard Beeson, prothonotary of Fayette	193 51		
Alexander M'CLean, register and rec. do.	270 32		
John Flanagan, prothonotary of Franklin	271 50		
Paul I. Hetich, register and recorder do.	274 49		
Enos Hook, prothonotary of Greene	48 41		
William T. Hays, late do. do.	21 59		
Jesse Lazar, register and recorder do.	130 00		
David R. Porter, prot. reg. and rec. Huntingdon	468 77		
Richard B. M'Cabe, prot. reg. and rec. Indiana	215 00		
William Banks, late do. do.	124 00		



No. X.		No. XII.	
<i>Tavern Licenses.</i>		<i>State Maps.</i>	
Robert Smith, treasurer of Adams county	\$791 35	Nathaniel Holmes, treas'r of Allegheny county	9 50
Nathaniel Holmes Allegheny	3,491 20	Richard T. Leech Dauphin	14 25
Jonathan H. Sloan Armstrong	292 60	Henry D. Ellis Lycoming	4 75
John English Beaver	325 75	Philip Pelz Philadelphia	59 75
Benjamin Adams, late do.	160 71	C. L. Ward Susquehanna	18 05
David Bright Berks	2,640 35	Alexander Mahon, state treasurer	25 00
Chauncey Frisbie Bradford	218 50		
William Russel, late do.	278 35		
Jesse Johnson Bucks	1,000 00		
William L. Strawn, late do.	400 52		
Andrew Sproul Butler	175 00		
James Murray Cambria	266 38		
William A. Thomas Centre	57 32		
Melchi Happersett Chester	1,073 40		
G. P. Gulich Clearfield	75 45		
John Fruit Columbia	632 78		
Joseph Morrison Crawford	203 37		
John Phillips Cumberland	755 79		
Richard T. Leech, Dauphin	1,429 74		
Oborn Levis Delaware	127 00		
William Eyre, late do.	539 68		
George Moore Erie	359 00		
Thomas Moorhead, late do.	32 35		
Thomas Foster, former do.	100 00		
George Meason Fayette	551 84		
Henry Smith Franklin	1,001 63		
William M'Clelland Greene	129 20		
Jacob Miller Huntingdon	1,146 83		
James Todd Indiana	350 00		
Jared B. Evans Jefferson	85 50		
Joseph Cummins Juniata	215 65		
J. F. Heinitch Lancaster	3,282 65		
Emanuel Meiley Lebanon	609 07		
Michael D. Eberhard Lehigh	954 87		
Henry D. Ellis Lycoming	707 42		
David T. Porter Mercer	200 00		
Rensselaer Wright M'Kean	70 00		
James Dickson M'ffin	372 88		
Christian Keisel Montgomery	1,608 93		
John Todd, late do.	153 01		
Christian Mattes, former do.	14 00		
B. A. Bidlack Luzerne	200 00		
Bateman Downing, late do.	756 26		
Samuel Kinsey Northampton	1,530 24		
George Weiser Northumberland	825 45		
Peter Lazarus, late do.	25 08		
Robert Kelly Perry	444 79		
Philip Peltz Philadelphia	14,966 24		
Jacob Shoemaker Pike	323 00		
Burrel Lyman Potter	18 50		
John Schall Schuylkill	1,656 17		
Isaac Ankeny Somerset	652 38		
Christopher L. Ward Susquehanna	231 80		
Thomas Dyer Tioga	205 20		
Jacob Mauch Union	734 32		
Samuel Huston Venango	166 25		
S. W. Sales Warren	100 00		
Walter W. Hodges, late do.	170 00		
Samuel Marshall Washington	212 66		
Samuel M'Farland, late do.	350 30		
Richard Lancaster Wayne	76 67		
William M'Kinney Westmoreland	247 38		
Jacob Bayler York	1,594 40		
	\$52,267 16		\$61,480 86

## No. XI.

*Duties on Dealers in Foreign Merchandize.*

Robert Smith, treasurer of Adams county	691 02
William S. Cobean, late do.	40 02
Nathaniel Holmes Allegheny	1,052 50
Jonathan H. Sloan Armstrong	511 64
David Johnson, late do.	46 18

Richard T. Leech Dauphin	14 25
Henry D. Ellis Lycoming	4 75
Philip Pelz Philadelphia	59 75
C. L. Ward Susquehanna	18 05
Alexander Mahon, state treasurer	25 00

\$131 30



NO. XIII.

*Collateral Inheritances.*

Robert Smith, treasurer of Adams county	3 78
Nathaniel Holmes Allegheny	1,278 27
David Bright Berks	1,638 19
Jesse Johnson Bucks	855 47
William L. Strawn, late do.	450 98
James Alexander Chester	1,365 32
Melchi Happersett, late do.	123 01
John Fruit Columbia	29 24
John Phillips Cumberland	1,167 30
Richard T. Leech Dauphin	88 89
Oborn Levis Delaware	292 60
William Eyre, late do.	30 98
Jasper E. Brady Franklin	819 54
Henry Smith, late do.	147 51
Joseph Pritts, former do.	173 66
Zephaniah M'Lenegan Lancaster	3,187 14
J. F. Heinitch, late do.	391 35
Emanuel Meiley Lebanon	559 76
Michael D. Eberhard Lehigh	40 16
David T. Porter Mercer	1 78
Christian Keisel Montgomery	1,095 76
John Todd, late do.	310 26
Samuel Kinsey Northampton	94 80
George Weiser Northumberland	39 50
Robert Kelly Perry	6 64
William Stephens Philadelphia	90,545 23
Philip Peltz, late do.	55,725 89
Jacob Mauch Union	23 71
William M'Kinney Westmoreland	55 16
Daniel Hartman York	77 95
Jacob Bayler, late do.	6 43

\$160,626 26

NO. XIV.

*Pamphlet Laws.*

Nathaniel Holmes, treasu. of Allegheny county	0 95
William A. Thomas Centre	0 48
James Alexander Chester	6 00
John Phillips Cumberland	3 80
Richard T. Leech Dauphin	5 70
William Eyre Delaware	4 75
Henry Smith Franklin	4 75
J. F. Heinitch Lancaster	9 02
John Todd Montgomery	5 23
Robert Kelly Perry	0 95
Philip Peltz Philadelphia	48 45
John Schall Schuylkill	4 28
Samuel Marshall Washington	1 90

\$96 26

NO. XV.

*Militia and Exempt Fines.*

Oborn Levis, treasurer of Delaware county	5 70
William Eyre, late do.	3 80
Philip Peltz Philadelphia	68 40
C. L. Ward Susquehanna	1 90
John Davis, inspector first brigade, second division	325 00
Henry Daub, inspector second brigade, second division	357 50
Samuel Ringwalt, inspector first brigade, fourth division	100 00
Joel Baker, inspector second brigade, fourth division	346 59
William Nes, late inspector first brigade, fifth division,	132 22
Robert Orr, jr. late inspector second brigade, fifteenth division	131 89
Fleming Davidson, former do.	220 00

\$1,693 00

NO. XVI.

*Tin and Clock Pedlers' Licenses.*

Nathaniel Holmes, treas. of Allegheny co.	171 00
David Bright, Berks	28 50
Chauncey Frisbie Bradford	28 50
John Fruit Columbia	28 50
John Phillips Cumberland	57 00
Richard T. Leech Dauphin	222 00
Oborn Levis Delaware	28 50
George Moore Erie	57 00
Thomas Moorhead, late do.	46 91
George Meason Fayette	28 50
Henry Smith, late Franklin	28 50
Jacob Miller Huntingdon	25 50
J. F. Heinitch, late Lancaster	142 50
Emanuel Meiley Lebanon	57 00
Michael D. Eberhard Lehigh	114 00
Bateman Downing Luzerne	199 50
David T. Porter Mercer	75 52
Christian Keisel Montgomery	28 50
Samuel Kinsey Northampton	199 50
George Weiser Northumberland	85 50
Philip Peltz, late Philadelphia	28 50
C. L. Ward Susquehanna	114 00
Thomas Dyer, late Tioga	28 50
Walter W. Hodges Warren	68 50
Samuel Marshall Washington	85 50
Richard Lancaster Wayne	114 00
William M'Kinney Westmoreland	142 50
Jacob Bayler York	228 00

\$2,461 93

NO. XVII.

*Hawker's and Pedlers' Licenses.*

Robert Smith, treasurer of Adams county,	30 40
Nathaniel Holmes Allegheny	60 80
Jonathan H. Sloan Armstrong	15 20
Benjamin Adams Beaver	15 20
David Bright Berks	76 95
Chauncey Frisbie Bradford	15 20
Andrew Sproul Butler	16 00
William A. Thomas Centre	38 00
Melchi Happersett Chester	14 80
John Fruit Columbia	15 20
Joseph Morrison Crawford	15 20
Richard T. Leech Dauphin	113 60
George Moore Erie	69 00
Henry Smith Franklin	83 60
William M'Clelland Greene	15 20
Jacob Miller Huntingdon	7 60
J. F. Heinitch Lancaster	368 60
John H. Duchman, late do.	8 00
Emanuel Meiley Lebanon	30 40
Michael D. Eberhard Lehigh	68 40
Bateman Downing Luzerne	7 60
Samuel Kinsey Northampton	258 40
George Weiser Northumberland	30 40
Robert Kelly Perry	46 55
Philip Peltz Philadelphia	1,392 70
Jacob Shoemaker Pike	45 60
C. L. Ward Susquehanna	38 00
Thomas Dyer Tioga	15 20
Jacob Mauch Union	15 20
Walter W. Hodges Warren	21 50
Richard Lancaster Wayne	30 40
William M'Kinney Westmoreland	23 75
Jacob Bayler, York	22 80

\$3,025 45

NO. XVIII.

*Increase of County Rates and Levies, per Act of 25th March, 1831.*

Robert Smith, treasurer of Adams county,	3,893 36
Nathaniel Holmes Allegheny	9,025 59
Jonathan H. Sloan Armstrong	436 14



John English	Beaver	1,174	25
Benjamin Adams, late	do.	546	20
David Bright	Berks	11,017	54
Chauncey Frisbie	Bradford	610	76
William Russel, late	do.	709	41
Jesse Johnson	Bucks	2,200	00
William L. Strawn, late	do.	3,880	70
Andrew Sproul	Butler	87	90
William A. Thomas	Centre	1,247	31
James Alexander	Chester	5,572	42
Melchi Happersett, late	do.	12,000	00
G. P. Gulich	Clearfield	90	00
Joseph Morrison	Crawford	600	00
John Phillips	Cumberland	5,258	82
Richard T. Leech	Dauphin	3,950	00
Oborn Levis	Delaware	364	70
William Eyre, late	do.	1,318	35
George Meason	Fayette	2,070	16
Henry Smith	Franklin	3,178	50
Jacob Miller	Huntingdon	2,071	59
Bleany Adair	Indiana	379	07
Jared B. Evans	Jefferson	125	10
Joseph Cummins	Juniata	1,100	00
Zephaniah M'Lenegan	Lancaster	15,833	35
J. F. Heinitch late	do.	10,868	31
Emanuel Meiley	Lebanon	3,669	51
Michael D. Eberhard	Lehigh	5,123	61
B. A. Bidlack	Luzerne	634	18
Bateman Downing, late	do.	74	31
Henry D. Ellis	Lycoming	193	74
David T. Porter	Mercer	967	66
Rensselaer Wright	M'Kean	124	29
James Dickson	Mifflin	1,070	00
Christian Keisel	Montgomery	2,010	10
John Todd, late	do.	4,742	70
Samuel Kinsey	Northampton	9,795	17
George Weiser	Northumber'd	2,094	17
Robert Kelly	Perry	1,427	04
William Stephens	Philadelphia	21,000	00
Philip Peltz, late	do.	17,512	13
Burrel Lyman	Potter	17	92
John Schall	Schuylkill	2,230	29
Isaac Ankeny	Somerset	1,089	02
William Foster	Susquehanna	314	29
C. L. Ward, late	do.	362	75
John Barnes	Tioga	520	23
Thomas Dyer, late	do.	543	82
Jacob Mauch	Union	1,385	00
Samuel Huston, late	Venango	30	22
Scott W. Sales	Warren	330	00
Walter W. Hodges, late	do.	354	98
Samuel Marshall	Washington	655	98
Ephraim W. Hamlin	Wayne	358	32
Richard Lancaster, late	do.	221	32
William M'Kinney	Westmoreland	3,067	52
Daniel Hartman	York	2,996	87
Jacob Bayler, late	do.	650	10
		<u>\$185,177</u>	<u>32</u>

## NO. XIX.

*Tax on Personal Property per Act of 25th March 1831.*

Robert Smith, treasurer of	Adams county,	276	39
Nathaniel Holmes	Allegheny	337	57
Jonathan H. Sloan	Armstrong	25	34
Benjamin Adams	Beaver	61	77
David Bright	Berks	1,690	70
Chauncey Frisbie	Bradford	51	57
Jesse Johnson	Bucks	800	00
William L. Strawn, late	do.	1,560	07
William A. Thomas	Centre	97	41
James Alexander	Chester	1,625	34
Joseph Morrison	Crawford	50	00
John Phillips	Cumberland	415	12
Richard T. Leech	Dauphin	700	00

George Meason	Fayette	400	00
Jasper E. Br. dy	Franklin	744	69
Jacob Miller	Huntingdon	117	50
Bleany Adair	Indiana	35	00
Zephaniah M'Lenegan	Lancaster	1,439	37
J. F. Heinitch, late	do.	1,678	99
Emanuel Meiley	Lebanon	800	00
B. A. Bidlack	Luzerne	85	53
Henry D. Ellis	Lycoming	170	61
David T. Porter	Mercer	56	48
Christian Keisel	Montgomery	791	80
John Todd, late	do.	1,540	55
Samuel Kinsey	Northampton	2,258	33
George Weiser	Northumberland	100	00
Robert Kelly	Perry	72	84
William Stephens	Philadelphia	12,000	00
Philip Peltz, late	do.	10,968	16
Isaac Ankeny	Somerset	82	41
William Foster	Susquehanna	70	71
C. L. Ward, late	do.	63	80
John Barnes	Tioga	26	85
Thomas Dyer, late	do.	29	35
Jacob Mauch	Union	15	00
Walter W. Hodges	Warren	31	15
Samuel Marshall	Washington	445	27
Richard Lancaster	Wayne	8	46
William M'Kinney	Westmoreland	386	36
Daniel Hartman	York	247	50
Jacob Bayler, late	do.	1,327	38
		<u>\$43,685</u>	<u>37</u>

## NO. XX.

*Escheats.*

Estate of John Reader,	Lancaster county,	295	00
Menges Wolved	Montgomery	53	00
George Swerner	Northumberland	103	31
Diana James	Philadelphia	1,291	68
		<u>\$1,742</u>	<u>90</u>

## NO. XXI.

*Canal Tolls.*

[See details, page 347, present vol. Reg.]

## NO. XXII.

*Loans.*

Bank of Pennsylvania, balance of loan per act of 30th March, 1832,	\$598,680 00
S. & M. Allen, part of loan per act of 16th February, 1833,	1,311,307 00
S. & M. Allen, amount of loan per act of 27th March, 1833,	530 000 00
Office of Discount and Deposit at Harrisburg, temporary loan per act of 27th March, 1833,	100,000 00
	<hr/>
	\$2,539,987 00

## NO. XXIII.

*Premiums on Loans.*

Bank of Pennsylvania, fourteen and eight-hundredths per cent. on the balance of loan, per act of 30th March 1832,	84,294	14
S. & M. Allen, thirteen and fifty-one-hundredths per cent. on the amount received of loan, per act of 16th February, 1833,	177,157	58
S. & M. Allen, fourteen per cent. on the loan, per act of 27th March, 1833,	74,200	00
	<u>\$335,651</u>	<u>72</u>



NO. XXIV.

*Premiums on Bank Charters.*

Merchants' and Manufacturers' Bank of Pittsburg,	59,797 89
Girard Bank,	25,000 00
Western Bank of Philadelphia,	8,333 34
Manufacturers' and Mechanics' Bank of Philadelphia,	5,000 00
Moyamensing Bank in the county of Philadelphia,	4,166 67
	<hr/> \$102,297 90

NO. XXV.

*Old Debts and Miscellaneous.*

William C. Leavenworth, agent for the sale of lands formerly of John Nicholson, per act of 11th April, 1825,	468 00
Joseph Barnes, for lands formerly of John Nicholson,	1,000 00
Henry Baldwin and Alexander Addison, do.	3,276 61
Alexander M'Connell, David Reynolds, and John M'Connell, do.	233 21
Abner Lacock, late acting canal commissioner, sale of property belonging to the Commonwealth,	141 92
	<hr/> \$5,119 74

ARBITRATIONS.

The following able opinion involves principles interesting to the profession of the law, and particularly to our own community.

Horton } In the District Court for the City and  
vs. } County of Philadelphia.  
Stanley. }

Present—Barnes, President; Coxé and Pettit, Judges.

This case was argued by D. P. Brown, Esq. for the plaintiff; and William M. Meredith, Esq., for the defendant.

The facts relative to the points discussed are sufficiently stated in the opinion of the Court, which was delivered on the 2d day of Nov. 1833, as follows, by Judge Pettit.

This suit was entered to September Term, 1833.

The parties filed an agreement in writing submitting "all matters in variance in the above case to the decision of James Caldwell, Joseph Randall, and Albert G. Pearson, the award of whom, or majority of whom, to be final and conclusive, and neither subject to appeal, exception or stay of execution."

There was an award for the plaintiff. The defendant filed exceptions. The case is now before the Court upon a motion of the plaintiff's counsel to dismiss the exceptions, without an enquiry into their merits, upon the ground that the defendant has agreed that there should be no exception.

It is conceded that the submission was under the Act of Assembly of 1705.—(5 S. & R. 51.)

The general character of this Act has been very often considered, and many of the principles which govern the Courts upon applications to set aside awards made under it, are too firmly established to be again the subject of discussion. Thus where there has been corruption or misbehaviour in the referees, or plain and obvious mistake in the proceedings, either in matter of fact or matter of law, the Court will set aside the award.

In the case however of *Messina vs. Hertzog*, 5 Binn. 397, the submission was not merely in terms under the Act of 1705, but there was an additional agreement that the award should be *final and conclusive*. The Court decided after argument, that neither party was

barred from filing exceptions by the terms "final and conclusive;" the Chief Justice declaring it to be "unnecessary to decide whether a party shall be permitted to except after a plain and clear agreement not to file exceptions," and Brackenridge Justice adding that "if the defendant had agreed not to file exceptions he would have been bound," and that "it is a question of intention."

So far had the Judges of the Supreme Court gone, when the present parties made a submission under the Act of 1705, stipulating that the award should be "final and conclusive, and subject neither to appeal, exception or stay of execution." The language used amounts I think to a clear agreement not to file exceptions, and the question is thus fully presented:—Are the Court bound by such an agreement to dismiss every exception? and if not, then will they give any, and if any, what effect to the agreement.

The *dictum* of Judge Brackenridge was not called for by the case, and was probably qualified in his own mind by the character of the exceptions before him;—and certainly, if construed without any qualification, would not have concluded him, had the question been directly presented for adjudication in a subsequent cause. And when Chief Justice Tilghman and Judge Yeates both expressly waive a decision of it as unnecessary in that case, the question must now be regarded as an entirely open one.

It is proper then to recur to the language of the act. "In all cases where the plaintiff and defendant having accounts to produce one against another, shall by themselves, or attorneys, or agents, consent to a rule of Court for referring the adjustment thereof to certain persons mutually chosen by them in open Court, the award or report of such referees being made according to the submission of the parties, and approved of by the Court, and entered upon the record or roll, shall have the same effect, and shall be deemed and taken to be as available in law as a verdict given by twelve men; and the party to whom any sum or sums of money are thereby awarded to be paid, shall have judgment or a scire facias for the recovery thereof as the case may require, and as is herein before directed concerning sums found and settled by jury."

A liberal and repeatedly recognized construction of the Act has extended its benefits beyond the cases specifically mentioned, and as a general rule it may be asserted, and that every cause of action is now deemed to be within its scope.

It is to be observed that this law is peculiar to Pennsylvania. Hence the learning of the English books does not directly apply to the present enquiry. The effect of an award under the act is different from that of an award of common law, either where, in case no suit had been entered, an action lies on the report or on the submission, or where, in the instance of a suit instituted, obedience to the award made under a submission by rule of Court, may be enforced by attachment; and it differs also from the effect of an award under the statute of 9 and 10, William 3d, by which a submission in cases not in Court might, by being properly filed of record, be placed on the same footing as if there had previously been a cause depending. The distinguishing feature of our act is that it confers upon the award the character of the verdict of a jury, upon a condition precedent, to wit, that the award be first approved of by the Court.

This approbation is far from being a matter of course. In many instances, the duty of the Judges can be discharged only upon a conscientious view of the law and justice of the case. Can an authority thus imposed upon the Court be absolutely taken away by parties who appeal to a law which confers on them its advantages only upon condition that this very authority shall exist and be exerted?

Can the parties claim the benefit of this proceeding, and yet renounce the very condition upon which that



benefit is to be obtained? As a question of imperative obligation on the Court, I have no doubt whatever in relation to it. A party acting under this law must recognize its injunctions, and when he demands the process of the Court to enforce a judgment under it, he must submit to the preliminary requisition without which the act expressly says the judgment shall not be entered. Parties, it is true, may waive many legal rights: but they cannot exact a surrender of jurisdiction on the part of the Court, nor compel Judges to accept a release from a responsibility which the law of the land imposes upon them for public purposes. The approval by the Court is not placed at the option of either or both of the parties. The requisition of the law looks to the general purity of the administration of justice, and is plainly designed, if that object demands it, to control the parties.

So far I have viewed the question in the aspect of the alleged positive and controlling character of the agreement in regard to the Court. It remains to be considered whether, while the Court deny its force as stripping them absolutely of their power, the agreement may not yet have an important influence upon their judgment on the point of confirming or setting aside the report.

The words "*final and conclusive*," in an agreement, it has been shown, present no bar to the filing of exceptions.

When however the parties superadd the words "and neither subject to appeal, exception or stay of execution," they certainly intend something more than a mere submission under the act of 1705; and considering the propriety of holding parties to mutual agreements when not prohibited by law, and the interest of the public not merely *ut sit finis litium*, but that there should be as little litigation as conveniently may be brought before the Courts, I believe it to be our duty to give as much effect to such agreements of references as the act of assembly will possibly allow.

It may not perhaps be practicable to lay down a rule to meet every difficulty that may present itself, but I would say generally, that the Court should look in such cases rigorously to the character of the reasons for setting aside reports. The parties having selected their tribunal, and clothed it with all the power which the law will permit them to confer, should be held strictly to their contract of reference in every instance in which all has been fairly and honestly done according to the true spirit of the agreement. Some illustrations may be given. Fraud practised by either party on the referees, or corruption or misbehaviour in the referees themselves, would vitiate every transaction, and the agreement of the parties could not have been intended to require the Court to sanction such conduct. Again effect is to be given to awards only, says the act of 1705, when they are made according to the submission of the parties. If then the referees upon a submission of one matter report upon a totally distinct matter, showing a plain deviation from the original intention of the parties, neither party shall be permitted to avail himself of an advantage which never could have been honestly contemplated.

Each case in short must be resolved into a question of intention. All matters intended to be submitted to the referees shall be concluded by their fair decision upon them. Whatever might be the opinion of the Court upon the same subject, yet where there has been no violation of the spirit of the contract, where the matters intended to be decided have been decided in good faith, no interference with the award will be permitted.

After the delivery of the above opinion, the Court proceeded to an examination of the exceptions filed and upon the ground that they were not embraced in the views which had been exhibited, dismissed them and confirmed the report.—*National Gazette*.

## REPORT ON THE SUBJECT OF FINANCE.

To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen:

In conformity to the requisition of an act of Assembly, requiring the State Treasurer to make an annual report on the subject of finance, passed the 16th day of March, 1832, the following report is respectfully submitted:

In preparing this report, the State Treasurer has considered, that the intention of the law under which it is made, would be best complied with, by confining it to those subjects connected with the condition of the Treasury and finances of the State, necessary to support the faith and credit of the Commonwealth; respectfully referring the Legislature, for detailed exhibits of the public finances, to the reports of the Auditor General, the Commissioners of the Internal Improvement Fund, and the printed report of the State Treasurer, which by law are required to be made to the Legislature.

### 1. Of the Public Debt.

Loans not pertaining to canals and rail roads,	\$1,840,000 00
Debts due by appropriations to turnpikes, bridges, and Eastern and Western Penitentiaries,	362,783 00
Union canal stock, per act of 1833,	200,000 00
Eastern Penitentiary, per do.	120,000 00
Loans pertaining to canal and rail road purposes,	17,775,648 88
Making an aggregate of	\$20,298,431 88

### 2. Of the Public Property of the Commonwealth, viz.

Bank stock,	2,108,700 00
Turnpike stock,	2,081,592 43
Canal stock,	350,000 00
Bridge stock,	431,800 00
Schuylkill and Codorus Navigation Companies,	60,000 00
	\$5,032,092 43

To which may be added the amount due on unpatented lands, variously estimated at from one to two millions of dollars; and in estimating the public property of the Commonwealth, it would be right and proper to give her credit for the value of the public works, which may be safely estimated at their cost, viz. \$17,775,648 88.

In this view of the subject, leaving out of sight the amount due for patenting lands, it would appear that the State is indebted to the amount of \$20,298,431 88, and possesses property to the amount, viz.

Miscellaneous stocks, \$5,032,092 43—the public works, canals, rail roads and bridges connected with the same, \$17,775,648 88; making an aggregate amount of public property of \$22,807,741 31.

### 3. Of the Public Revenue and Expenditures of the fiscal year, 1833.

The receipts into the State Treasury during the fiscal year, ending 31st October, 1833, were viz.

Balance of loan, per act of 30th March, 1832, for canal and rail road purposes,	\$598,680 00
Temporary loan for same purposes, per act of 27th March, 1833,	100,000 00
Part of permanent loan, per act of 16th February 1833, for ditto,	1,311,307 00
Permanent loan, per act of 27th March, 1833, for same purposes	530,000 00
Premiums on said loans,	335,651 72



Ordinary and miscellaneous revenue,	1,171,411 90
	\$4,047,050 62
To which add balance in the Treasury, 1st November, 1832,	117,167 16
Making an aggregate of	\$4,164,217 78

#### 4. Total disbursements of the financial year 1833.

Balance of loan, per act of 30th March, 1832, for canal and rail purposes,	598,680 00
Temporary loan, per act of 27th March, 1833, for do.	100,000 00
Part of loan per act of 16th February 1833, do.	1,311,307 00
Loan per act of 27th March, 1833, do.	530,000 00
To pay interest on debt, for canals and rail roads, and to pay collectors and lock-keepers,	755,444 01
Ordinary expenses of Government, including appropriations to specific objects—(See statement A.)	501,363 47
	3,796,794 48
Balance in the Treasury, 1st November, 1833,	367,423 30

#### 5. Estimates of receipts and expenditures, at the State Treasury, during the financial year ending 31st of October, 1834, exclusive of future loans, premiums on future loans, and appropriations which may be made to miscellaneous objects.—(See statement B.)

##### RECEIPTS, VIZ.

Balance of loan per act of 16th February, 1833, for canal and rail road purposes,	\$1,229,354 44
Premiums on same,	166,085 78
Canal tolls,	500,000 00
Ordinary and miscellaneous revenues,	892,320 00
To which add balance in the Treasury, 1st November, 1833,	367,423 30
Total amount of receipts,	\$3,155,183 52

#### 6. Estimated expenditures for the financial year, ending 31st October, 1834, viz.

Balance of loan, per act of 16th February, 1833, for canal and rail road purposes,	1,229,354 44
Interest on loans for canal and rail road purposes, and to pay lock-keepers and toll collectors,	951,700 00
Penitentiaries, and other miscellaneous objects,—(See statement C.)	175,857 06
For ordinary expenses of Government,	385,605 00
To pay part of the stock loan of 1824, which is redeemable 1st May, 1834,	380,000 00
	3,122,516 50

Balance in the Treasury, on the 1st November, 1834,	\$32,667 02
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A tabular statement, (marked C,) is appended to this report, exhibiting the appropriations and balances of appropriations by former acts, and estimates of the probable amount of those appropriations, which will be required during the current fiscal year.

Estimates of the probable condition of the Treasury, on the 1st February and August next, the periods fixed for the payment of interest on the public debt, will be found in the report of the Commissioners of the Internal Improvement Fund, and is consequently considered unnecessary to be introduced into this report.

The results of the foregoing statements and estimates exhibit the financial condition of the Commonwealth, in a flourishing and creditable state, and is calculated to inspire confidence in the present healthful condition, and future prosperity of the State.

The receipts into the Treasury, during the past financial year, have enabled the Government to meet the demands on it, for all ordinary expenditures—to pay large portions of appropriations to miscellaneous objects, as they were called for—to refund to the Canal Treasury \$135,896 16 taken to meet the deficiency of interest on the public debt, the 1st August, 1832: and to pay the interest on all the loans borrowed, for the purpose of internal improvement, leaving a balance in the Treasury, at the end of the fiscal year, of \$367,423 30.

If, as is confidently believed, the estimates of receipts into the Treasury for the current fiscal year, shall prove correct, and the amount of revenue thus estimated, be realized, the Government will be enabled to meet all the demands on it for ordinary expenditures—to pay the estimated amount of appropriations to miscellaneous objects, now authorized which will be probably required—to pay the interest, as it falls due on the whole amount of the public debt, and to pay \$380,000 of the stock loan of 1824, redeemable on the 1st May, 1834, thus reducing so much of the public debt, and leave in the Treasury, on the 1st November, 1834, a balance of \$32,667 02 exclusive of premiums which may be received for future loans.

The annual estimates of the receipts into the Treasury, from the ordinary sources of revenue, are made by a careful comparison with those of previous years, and varied by such information, as the State Treasurer is able to collect, of all matters having a bearing on the probable amounts to be derived, from the various items of which the estimates are composed.

It frequently happens, that a deficiency occurs in some of the items, but in others there is a corresponding increase, so that in the aggregate, the amount of revenue received, most generally corresponds with the estimates.

It is difficult to form an estimate of the amount to be derived from the receipts for patenting lands, which lately have been more fluctuating, than most of the other sources of revenue. They were during the last year much below the receipts of previous years, and the advance in the estimate of the present year, is predicated on the fact, that the law extending the time for bringing suits, expires in April next; a circumstance which it is believed, will increase the payment from this source into the Treasury the current fiscal year.

The advance in the estimate of receipts from the tax on bank dividends, is founded on the fact, that several new banks which have not heretofore paid any thing on account of this tax, will make their dividends this year, on which this tax is assessed.

There is a small advance on the estimates of the receipts derived from tavern licenses and shop tax, from the circumstance, that the usual amount of revenue derived from these sources, was not paid into the Treasury within the last financial year, which will be brought into the revenues of the present year.

There are balances of the revenues, derived from the tax on county rates and levies, and on personal property, of the assessments of 1832, and a considerable portion of the assessments of 1833, together with the tax on unseated lands, (but little of which, if any, has come into the Treasury,) which will be received during the year 1834, all which, together with what will be received from the assessments of 1834, justifies, it is believed, the opinion, that the estimates of these sources of revenue will be rather increased than diminished.

The revenue derived from auction duties, was, during the last year, much below the receipts of previous years, owing it is believed, to cash payment of duties on foreign merchandize, being exacted, and the failure of



one and death of another of the principal auctioneers of the city of Philadelphia. Upon the belief that their places will be speedily supplied, is founded the advance on the estimate of this item of revenue.

The estimates of the receipts from the tolls on canals and rail roads, belonging to the State, is sanctioned by the Commissioners of the Internal Improvement Fund, and by the opinions and judgments of the Canal Commissioners. On the correctness of the estimate of the receipts into the Treasury from this source, will much depend, whether the gratifying results exhibited in the foregoing statements will be realized.

As the duty was first imposed on the State Treasurer, to make an annual report, on the subject of finance to the Legislature, at the last session, his attention was directed to the point, how far the public works were to be regarded and likely to prove valuable sources of revenue, and his views of the subject were therein fully exhibited.

The experience of the past year fully confirms, in his judgment, the correctness of those views, and he is not aware of any untoward event of a character to change the favourable opinions he then entertained and expressed, of the future productiveness of the public works.

The tolls of the past fiscal year amounted to \$151,419 61, falling short of the estimate of the receipts from this source, \$48,580 39, a deficiency which arose from the interruption of the navigation of the canals, in consequence of the great flood which occurred in May last, the like of which had not been experienced for forty years past.

The interruption to the navigation of the canals by this extraordinary flood, had a disastrous effect, particularly on the Delaware and Branch canals; notwithstanding these adverse circumstances, the receipts of tolls into the Treasury for the last fiscal year, have amounted to the sum stated: viz. \$151,419 61. And it cannot be doubted, but that for the causes above stated, the tolls would have greatly exceeded the amount of the estimate; causes which are not within the range of prudential calculation, and which are not to be expected to occur in the ordinary course of nature.

The estimate of the receipts from tolls, for the current fiscal year, is based on the experience of the past year, taking into consideration the adverse circumstances stated, the great extent of canals and rail roads which will be open in the spring, for navigation and travel, and on the important fact, that the great thoroughfare between Philadelphia and Pittsburgh, will have the advantage of an entire line of rail road and canal completed, on the opening of the spring.

Whatever disappointments have heretofore taken place, in the calculations which have been presented, from time to time, of the extent of canals and rail roads which will be prepared for use, there can no longer exist a doubt of the fact, that there will be completed and fit for use the ensuing season, five hundred and fourteen miles of canal, and one hundred and eighteen miles of rail road, which information, will be furnished by the Canal Commissioners, in their annual report. If, in the unfinished state of the public works, enjoying a limited and partial operation, subject to the interruptions to which new works of the kind, are ordinarily exposed, and visited by two most extraordinary floods, such as have not occurred within a period of forty years before, the increase of tolls, in the two last years has been from \$45,550 58 to \$151,419 61, it cannot be considered as extravagant to estimate the receipts of tolls from the public works, during the current fiscal year at \$500,000 00, when the great line of communication, will be in active operation, and in addition to it, the Columbia rail road will have a single track completed and in use.

A comparison of the increase of tolls, on the canals of other states, particularly the canals of New York and Ohio, in the incipient stages, with the progressive increase of tolls of the canals of this state, will sustain

and support this estimate, the estimate has been made by the Commissioners of the Internal Improvement fund, and the Canal Commissioners, after a careful and cautious investigation of all the circumstances having a bearing on the subject; and is submitted to the Legislature by the State Treasurer, with all the confidence of certain conviction, on his part, of its fairness and reasonableness.

In estimating the future productiveness of the public works, their intimate connection with those of the state of Ohio is viewed as a matter highly important. Fortunately, within a short period, the serious attention of the citizens of the commercial metropolis of the state has been awakened to the absolute necessity of this connection, to sustain and support its prosperity—and in the excitement produced, has had the most salutary effect, of originating measures, which cannot fail to insure their speedy union, a consummation which will verify the most sanguine calculations, of the most ardent friends of internal improvement of the state.

By a fortunate coincidence, forty-seven miles of the Columbia rail road, is made to form a part of a great line of communication, by a continuous rail road from New York to the city of Washington, a great part of which, is now constructed, and all of which will be in use, within a short period of time, a circumstance which will greatly increase the productiveness of this part of the Pennsylvania improvements.

These topics, which have been briefly referred to, have been deemed proper, to illustrate the subject, on which it has been made the duty of the State Treasurer to make an annual report to the Legislature. The public works, the extraordinary expenditures incurred to execute them, and the probable amount of revenues to be derived from them, constitute the most important items of the finances of the Commonwealth.

These statements are submitted, under a proper sense of the responsibility which necessarily attaches to the importance of the subject; and in their correctness and reasonableness, the State Treasurer feels confirmed by his own investigations and reflections.

If these statements and views are not founded in illusion and deception, it is certainly a gratifying consideration, that notwithstanding the gloomy forebodings, which predicted the embarrassment of the State, and the insolvency of the Treasury, an opposite state of things is presented; and if, in the incipient stage of the public works, under the many adverse circumstances attending them, the finances of the Commonwealth exhibit so flourishing an aspect, an earnest is afforded of the future prosperity of the State, when the public works will be in a situation to develop the rich and varying resources of the State, still dormant. And should the estimated amount of revenue to be derived from the public works, during the present year, be realized, and permanent, leaving out of view its certain future increase, the highly interesting and gratifying truth is presented, that, inasmuch as \$500,000 00 will pay the interest, at five per cent. on ten millions of dollars, it is a virtual reduction of the public debt, created for the purposes of internal improvement, FROM UPWARDS OF SEVENTEEN MILLIONS OF DOLLARS TO SEVEN!!

It is with some degree of pride, that the State Treasurer adverts to the fact, presented in the exhibit of the state of the Treasury, at the end of the fiscal year 1834; from which it appears, that there will then remain a balance in the Treasury of \$32,667 02, after paying all ordinary expenses of the Government, all miscellaneous appropriations now authorized by law, which will probably be required, the interest on the public debt, and in addition, pay off a portion of the public debt falling due within that year, viz: \$380,000 00 of the stock loan of 1824.

At the last session of the Legislature, a law was passed authorizing the Commissioners of the Internal Improvement Fund, to apply so much of the funds appropriated to the construction of the public works, as might



be necessary to meet the deficiency of interest, due on the public debt in August last, and although the flourishing condition of the Treasury rendered a resort to the provisions of that law unnecessary, as many of the important demands on the Treasury are fixed and certain, and the revenues of the Commonwealth are in their nature subject to fluctuation, prudence would dictate the propriety of making some provision, to guard against a possible deficiency during the current fiscal year. And as the adoption of plans, to increase the permanent revenues of the Commonwealth, are deemed at present premature, the State Treasurer would respectfully suggest the propriety of the passage of a law, similar to that passed at the last session of the Legislature, to meet the event of a deficiency, during the current financial year.

All which is respectfully submitted.

A. MAHON, State Treasurer.

December 6, 1833.

NOTE.—Receipts of canal tolls into the Treasury, from 1st of November, 1833, till 6th December, 1833, date of this report, \$24,205 54; principal western collectors not heard from.

#### STATEMENT A.

Exhibiting the receipts and payments at the Treasury Office of Pennsylvania, during the year ending 31st October, 1833, (as already published on page 347,) \$4,047,050 62, and payments per do. \$3,796,794 48.

#### STATEMENT B.

Estimate of Receipts and Payments at the Treasury of Pennsylvania, for the year ending 31st October, 1834.

##### RECEIPTS.

Balance of loan per act of 16th February, 1833,	\$1,229,354 44
Premium on the same,	166,085 78
Lands and land office fees,	65,000 00
Auction commissions,	16,000 00
Auction duties,	100,000 00
Dividends on bank stock,	140,000 00
Dividends on bridge, navigation and turnpike stock,	30,000 00
Tax on bank dividends,	50,000 00
Tax on certain offices,	14,500 00
Tax on writs, &c.	20,000 00
Fees of the Secretary's office,	600 00
Tavern licenses,	55,000 00
Retailers do.	65,000 00
State maps,	100 00
Collateral inheritances,	30,000 00
Pamphlet laws,	120 00
Militia and exempt fines,	1,600 00
Tin and clock pedlers' licenses,	2,400 00
Hawkers and pedlers' do	3,000 00
Increase of county rates and levies,	205,000 00
Tax on personal property,	45,000 00
Escheats,	1,500 00
Canal tolls,	500,000 00
Premiums on bank charters,	42,500 00
Old debts and miscellaneous,	5,000 00
	<hr/>
	2,787,760 22
Add balance in the Treasury 31st October, 1833,	367,423 30
	<hr/>
	\$3,155,183 52

##### PAYMENTS.

Balance of loan per act of 16th February, 1833,	\$1,229,354 44
Expenses of government,	213,000 00
Militia expenses,	20,000 00
Pensions and gratuities,	30,000 00

Interest on loans not pertaining to canals,	103,725 00
Pennsylvania claimants,	300 00
State maps,	100 00
Conveying convicts and fugitives,	2,000 00
Miscellaneous,	9,000 00
Appropriations, &c. per statement C.	175,857 06
Salaries of penitentiary officers,	7,480 00
Interest on canal loans, and to pay toll collectors and lock keepers,	951,700 00
Loan under act of 1824 redeemable 1st May 1834.	380,000 00
	<hr/>
	3,122,516 50
Balance in the Treasury 1 Nov. 1834.	32,667 02
	<hr/>
	\$3,155,183 52

#### STATEMENT C.

Appropriations and balances of appropriations, unpaid 1st November, 1833, with an estimate of the amount likely to be called for, during the year 1834.

Estimate for 1834.

Springhouse, Northampton and Bethlehem turnpike,	\$15,000 00	
Lycoming and Potter,	2,898 62	\$2,898 62
Clifford and Wilkesbarre,	1,677 16	
York and Gettysburg,	6 09	
Downingtown, Ephrata and Harrisburg,	69 63	
Waynesburg, Greencastle, and Mercersburg,	3,620 04	
Huntingdon, Cambria, and Indiana	25 95	
Philadelphia, Brandywine, and New London,	12,500 00	
Washington and Pittsburg,	199 01	
Washington and Williamsport,	98 37	
Chambersburg and Bedford,	118 22	
New Alexandria and Conemaugh,	75 93	
Harrisburg and Millerstown,	300 50	
Little Conestoga,	22 04	
Derrstown and Northumberland,	4,607 50	
Milesburg and Smeths- port,	5,362 44	5,362 44
Gettysburg and Hagerstown,	20,000 00	
York-Haven and Harrisburg Bridge, Turnpike Road,	6,186 00	6,186 00
Mount-Pleasant and Pittsburg,	210 00	210 00
Juniata Bridge,	1,000 00	
Robbstown Bridge,	6,000 00	6,000 00
Columbia Bridge,	50,000 00	
Bridge over Ten Mile Creek, per act of 1832,	700 00	700 00
Bridge over Ten Mile Creek, per act of 1833,	1,000 00	1,000 00
Monongahela Bridge at Williamsport, per act of 1833,	15,000 00	
Jefferson College, \$1,000 per annum, from 1st May, 1832, (for 4 years,	2,000 00	1,000 00
Washington College, \$500 per annum, from 4th April, 1831, (for 4 years,)	1,000 00	500 00
Dickinson College,	3,000 00	3,000 00
Warren Academy, per act of 1832,	2,000 00	



Deaf and Dumb Institution not to exceed \$8,000 per annum, for 5 years from 1st April, 1833, per act of 1833,	36,000 00	8,000 00
House of Refuge, \$5,000 per annum, from 2d March, 1833, for 3 years, per act of 1832,	10,000 00	5,000 00
Commissioners of Erie county, to be collected from the owners of unpatented lands,	2,500 00	
Improving a road from the mouth of Juniata to Mohontongo creek, per act of April, 1827. The direction of this appropriation changed to another road, per act of 9th April, 1833,	600 00	
Penitentiary near Pittsburgh, old balance,	114 98	
Do. per act of 1833,	40,000 00	40,000 00
Eastern Penitentiary, per act of 1833,	90,000 00	90,000 00
Susquehanna and branches, act of 1821,	2,000 00	
Susquehanna, from Columbia to tide water. Act of 26th March, 1833, directs this balance to be paid to the Columbia Bridge company, when double tracks of rail-road shall be laid on said bridge,	4,012 52	
Susquehanna from Columbia to Northumberland,	10,878 00	
Delaware River, per act of 1821, new Commissioners appointed per act of 1833,	1,000 00	
Towanda Bridge, per act of 1833,	10,000 00	5,000 00
Repairing and painting public buildings, per resolution of 4th April, 1833,	1,000 00	1,000 00
	<u>\$362,783 00</u>	<u>\$175,857 06</u>

From the Commercial Herald.

#### COAL TRADE.

The following table, showing the number of vessels which have departed from Philadelphia, freighted with Coal, during the present season, up to the 1st Nov. furnishes one of the strongest practical illustrations of the benefits which our city has derived from internal improvements. The immense coasting trade thus exhibited has been literally created within the last six years—and goes far to account for the continued prosperity and vigorous growth of Philadelphia, after a sensible diminution of her foreign commerce.

Any increase of our internal communications, by which the mineral and agricultural wealth of the interior may be poured into this market, and by which foreign articles of necessity and luxury may be returned, will have a corresponding effect on the prosperity of the City. Hence the importance of completing, with the least possible delay, the great system of improvement within our borders, and of uniting our public works at suitable points with those of other States. As first in value among the connections proposed, we would

name that with the Ohio Canal, which is now the subject of discussion at the Warren Convention. Next to that we deem it important to connect the City of Philadelphia with the Erie Canal, by the North Branch of the Susquehanna. We are mistaken, if the southern counties of New York would not then become the regular tributaries of Philadelphia, while the whole line of the Erie Canal, including the immense Salt Works at Onondago, would depend for its fuel upon the Coal Mines of Wyoming.

In determining the latter connection, the proposed Rail Road between the Lehigh, at Mauch Chunk, and the North Branch, at Wilkesbarre, should not be lost sight of. Whenever the City of Philadelphia understands its true interests, that Rail road will be made.

NAMES.	Ships.	Bar's	Brigs.	Sch's	Sloops	Total.
Lehigh Coal Company,	2	0	42	203	136	383
Little Schuylkill Coal Co.	0	0	5	81	24	110
North American Coal Co.	0	0	9	62	19	90
Delaware Coal Co.	0	0	17	161	11	129
S. B. Reeve & Co.	0	0	0	111	23	134
M'Canles, Chambers & Co	0	0	13	64	23	90
J. S. Silver,*	0	0	5	63	18	86
J. W. Downing,	0	0	23	53	15	101
Blight, Wallace & Co.	0	0	0	27	15	42
Eldridge & Brick,	0	0	4	8	6	18
A. J. Bolton,	0	1	0	11	0	12
By 8 firms or individuals*	0	0	6	90	48	144
Total,	2	1	124	884	328	1339

\* Up to the first of September. We have been unable to obtain the exact number of vessels cleared by these houses since that time, and therefore make a very moderate estimate, and set them down at 61—making the whole number that have cleared in seven months FOURTEEN HUNDRED.

**LARGE EEL.**—An Eel was caught in the pool of the Shamokin Dam, a week or two since, by Mr. John Dingler of Union county, which weighed seven and a half pounds; it measured four feet one inch in length, and ten inches round. The skin may be seen at this office.

*Lycoming Chronicle.*

## THE REGISTER

PHILADELPHIA, DEC. 14, 1833.

During the session of the Legislature, there are many long but important documents to be inserted, which will occasionally exclude variety from our columns—but must ultimately render the Register more valuable as a work of reference, as it is principally designed to be. The present number contains the Governor's message, and the Treasurer's and Auditor's reports on Finance. Our friends in the Legislature will confer upon us a favour by furnishing reports and other documents as early as possible, after they are printed. We are already under obligations to Mr. Miller for his attention in this way. Our space will not permit the insertion of some notices of the proceedings of the General Assembly which we had prepared.

Printed every Saturday morning by Wm. F. Geddes, No. 9, Library street.



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XII.—NO. 25. PHILADELPHIA, DECEMBER 21, 1833. NO. 311

## CANAL COMMISSIONER'S REPORT.

Report of the Canal Commissioners of Pennsylvania,—  
Read in the Senate, December 7, 1833.

The Canal Commissioners respectfully submit the following report:

As the public improvements of Pennsylvania, which have been required by law to be constructed, at the expense of the State, are approximating to completion, it may be useful and satisfactory to the citizens of the Commonwealth, to present them with an account of the commencement and progress of the most splendid system of internal improvement, that has ever been undertaken and executed in so short a period, by any country.

The first law authorizing the construction of canals and rail roads, exclusively at the expense and for the benefit of the Commonwealth, was passed on the 25th of February, 1826, and on the 4th of July in the same year, the first ground was broken near Harrisburg.

The several lines were put under contract in the following order:

In 1826. On the Eastern division	22½	miles.
On the Western division	24	
	46½	

In 1827. On the Western division	51	miles.
On the Juniata division	44½	
On the Susquehanna division	39	
On the Delaware division	18	
On the French Creek Feeder	9	
On the Eastern division	1½	
	162¾	

In 1828. On the North Branch division	46	miles.
On the Juniata division	45	
Navigable feeder on do.	1	
On the Delaware division	35½	
On the Western Division	26½	
On the West Branch division	24	
On the French Creek feeder	10½	
On the Eastern division	10	
	198½	

Miles of canal and navigable feeder  
There was also forty and a half miles of road bed formation, on the Columbia railway, placed under contract, being equal to about two-fifths of the cost of a finished railway with double tracks, or say about sixteen miles of a double track of railway

Miles of railway, canal and feeder	214½	
In 1829. On the North Branch division	9½	miles.
On the Delaware division	6¼	
	15¾	

The foregoing four hundred and thirty-nine and a half miles of railway, canal and navigable feeder, have been denominated the "old lines," and those subsequently

placed under contract, are called the "new lines."

In 1830. On the Western division,	3½	miles
of canal	3½	

In 1831. On the West Branch division	42½	miles.
The Lewisburg side cut	½	
On the Juniata division	38½	
On do. navigable feeder	3½	
On the Beaver division	22½	
On the French creek division	22½	
On the North Branch division	17	
On do. do. navigable feeder	¼	
On the Eastern division	9	
	155½	

Miles of canal and feeder  
There were forty-one and a fourth miles of road bed formation, and thirty-two and a half miles of single track of rails of the Columbia railway, put under contract, (of which twelve and a half miles of the single track of rails was by law suspended,) being equal in cost to about twenty-two and a half of railway, finished, with double tracks

There was also put under contract thirty-six and three-fourths miles of road bed formation, upon the Portage railway, being equal in cost to about fourteen and three-fourths miles of railway, with double tracks	14¾	
	193	

Miles of railway, and canal feeder	193	
In 1832. On the French Creek feeder	4	miles.
On the Beaver division	2	
On the West Branch division	1½	

Miles of canal	7½	
There was also put under contract one-fourth of a mile of additional length of road bed formation, through the city of Lancaster, and twenty-four miles of single track of rails, on the Columbia railway, being equal in cost to about seven and a half miles of railway completed	7½	

Also, forty-four miles of single track of rails, on the Portage railway, being equal in cost to about thirteen and a half miles of double track of railway, completed	13½	
	28½	

Miles of canal and rail road	28½	
In 1833. On the Beaver division, of towing-path along the pool of the Shenango dam	6	miles.
On the West Branch division, the Bald Eagle side cut	3½	
On the Western division, of navigable feeder at the town of Conemaugh	1½	

Miles of canal feeder	11	
Contracts have also been made for laying a double track of rails on sixty miles of the		



Columbia railway, being equal in cost to about thirty-six miles of double track of railway completed

36

Miles of railway, canal and feeder

47

## RECAPITULATION.

	Miles.
Placed under contract in 1826	46½
Do. do. 1827	162½
Do. do. 1828	214½
Do. do. 1829	15½
Do. do. 1830	3½
Do. do. 1831	193
Do. do. 1832	28½
Do. do. 1833	47

Miles under contract 711½

There is yet to be put under contract on the Portage railway, the laying of the rails on about twenty-eight and a half miles of single track, which will be equal to the cost of completing a railway, with double tracks, on eight and a half miles

8½

Length of the whole improvements—miles 720

December eighteenth, 1829, the Canal Commissioners reported that one hundred and ninety-five miles of canal were finished; but of this distance, only one hundred and eighty miles were so situated as to be partially navigable, on which, twenty-seven thousand and twelve dollars and ninety cents of tolls were received in 1830.

On the twenty-first of December, 1830, four hundred and twenty-six miles of canal were reported as finished, and the water had been introduced into four hundred and six miles: but owing to its detached situation and insecure condition, only three hundred and ten miles could be used for navigation, on which, thirty-eight thousand two hundred and forty-one dollars and twenty cents of tolls were received in 1831.

By the report of December fifteenth, 1831, it does not appear that any part of the public works prosecuted that year, was finished; hence nothing was added to the four hundred and twenty-six miles reported as finished the preceding year. It appears, however, that eighty-seven miles were added to the navigable portion of the canal, and this, with the three hundred and ten miles of the preceding year, made three hundred and ninety-seven miles, on which, fifty thousand nine hundred and nine dollars and fifty-seven cents of tolls were received in the fiscal year, ending the thirty-first October, 1832.

On the first of November, 1832, four hundred and eighty and a half miles of canal and navigable feeder, were reported as finished, and also twenty-two miles of a single track of railway; of which, only four hundred and sixty-one miles of canal and eighteen miles of railroad could be advantageously used; the tolls on which, during the past year, ending on the thirty-first October, 1833, amounted to one hundred and fifty-one thousand four hundred and nineteen dollars and sixty-nine cents.

In addition to the number of miles of canal and railway which was reported last year as finished, there has been added, within the present year, a second track on the twenty-two miles at the eastern end of the Columbia railway; and a single track on the remaining sixty miles of that road will be ready for use by the first day of January, 1834.

On the Portage railway, a single track along the whole road, thirty-six and three-fourths miles, and a double track on the inclined planes, will be ready for use in all this month.

It is also expected that, before the setting in of winter, water will be introduced into twenty-four and three-fourths miles of the Beaver division, twenty-two and one-fourth miles of the French creek division, and one

and a half miles of the feeder at the town of Conemaugh, on the Western division.

Four years' experience has convinced the board, that with an adequate supply of funds for the purpose of making necessary repairs during the winter, the canals of Pennsylvania, in ordinary seasons, can be opened for navigation by the tenth of March; and the present condition of the improvements warrants them in assuring the public, that the following lines will be ready for use at the opening of the navigation next spring.

A railway from Philadelphia to Columbia, twenty-two miles, with double tracks, and sixty miles with a single track, making 82 miles

A canal from Columbia to Hollidaysburg 171½

Portage railway over the Allegheny mountain, between Hollidaysburg and Conemaugh, from basin to basin 36

A canal from Conemaugh to Pittsburgh 104½

Distance from Philadelphia to Pittsburgh 394 miles.

A canal from the junction on Duncan's Island, near the mouth of the Juniata, up the Susquehanna and North Branch to the mouth of Solomon's creek, in Luzerne county, (two hundred and twenty-three miles distant from Philadelphia,) 96½

A canal from the junction at Northumberland, up the West Branch to the head of the pool of the Muncy dam, in Lycoming county, (one hundred and ninety and half miles from Philadelphia,) 26½

A canal from Bristol to Easton, on the Delaware, (eighty miles from Philadelphia,) 59½

A canal from the Ohio river, twenty-eight miles below Pittsburgh, up the Big Beaver creek to New Castle, in Mercer county, 24½

A canal from the Allegheny river at the town of Franklin, up French creek to near the feeder aqueduct, in Crawford county 22½

The continuation of the Portage railway along side of the basins at Hollidaysburg and Conemaugh—the Conemaugh feeder and Alleghenytown branch on the Western division—the South fork and Raystown feeders on the Juniata division—and the Lewisburg side cut on the West Branch division, form an aggregate of 8

Number of miles of canal and railway ready for use 632

### Old Lines of Canal.

Those portions of the canal which have been declared navigable are all at present in excellent condition, and commerce upon them is brisk. The public is beginning to experience the benefits of the improvement, and duly to appreciate its advantages.

In the year 1831 and 1832, the Western division of the canal, and the dams on the Susquehanna, were much damaged by floods; the extensive and disastrous injuries done to these works, (*defective in many instances in their original construction,*) by frequent and high freshets, were repaid as speedily as the limited funds appropriated for such purposes would permit. The new banks, and mechanical structures then made, have since proved their solidity, by resisting uninjured both frosts and freshets.

Expenses to a large amount were incurred, in reconstructing and strengthening many important works, on all the lines. In many places, particularly on the Delaware division of the canal, banks were originally composed of sand, which was frequently washed away, and had to be replaced by gravel and other substantial



materials. In some instances, the distance between where the materials were got, and where they were used, added considerably to the expenses of current repairs.

In making repairs, the supervisors have been instructed to have them done in the most substantial manner, and the beneficial effects of an adherence to those instructions, have been visible in all the lines during the last year. Most of the weak points in the canal banks and mechanical structures, have been thoroughly repaired; and the board have every reason to believe, that with proper attention on the part of the supervisors, and other agents entrusted with the immediate care of our public works, disasters of a serious character can seldom occur hereafter.

#### *Main Line.*

The navigation of the canal between Portsmouth and Pittsburg, has been but little interrupted for the last year, except by ice, which closed it on the east side of the mountain on the twentieth of December, and on the west side on the tenth of January; and it opened on both sides of the mountain from the tenth to the sixteenth of last March. At two of the western collectors' offices, Blairsville and Leechburg, toll was taken in every month of the year.

In the month of May last, one of the highest floods known for many years, took place in the Susquehanna. The canal, in many places on the Eastern division, was entirely covered with water; but after the flood had subsided, it was found that very little injury had been done, owing, in a great measure, to the solidity the canal banks had acquired since their construction; and it is gratifying to state, that the navigation was not at that time interrupted for more than forty-eight hours. The damages done by the flood, as well as the few breaches that occurred during the season, were promptly repaired. The commerce upon this division was slightly impeded for a short time, in the month of September, when so much water escaped through the dam at Clark's Ferry, at a very low stage of water in the river, that the canal could not be sufficiently filled; hence gravelling the dam had to be commenced, which at its original construction was not considered necessary. At the same time the water was taken from the Columbia line, to make some necessary repairs, preparatory to the opening of the Columbia railway. A feeder for this line, to be taken either from the Swatara, or the river at Conewago falls, is believed to be indispensable for an active trade.

Neither the Juniata nor western division has been injured by floods during the past season. Upon the Juniata, several breaches have occurred. The only injury of any magnitude sustained by the Frankstown or "new line," above Huntingdon, (which passes through difficult mountain defiles,) since the introduction of the water in November, 1832, was one span of an aqueduct that gave way, and required re-building; and at the same time a very heavy bank breach took place, both of which were completely repaired, and the navigation restored in the short period of only six days.

Guard gates have been erected and the canal banks raised in the Long Narrows. A range of crib work has been constructed below the dam near the same place, and a new trunk has been put into the large aqueduct at Duncan's Island. Two spans of the aqueduct at Shaver's ford have failed and must be renewed; and another pair of gates must be built in the long Narrows, so as to form, with those already erected, a guard lock.

No breaches worth noticing have occurred upon the Western division during the past year. The commerce on the canal between Blairsville and Pittsburg has been but little delayed throughout the season, except for two or three weeks in the latter end of August and beginning of September, when the Conemaugh and Kiskiminetas rivers became so low that a full supply of water, (as the dams are not perfectly tight,) could not be maintained in the canal. Still, however, although at

that time boats *fully loaded* could not run, yet by the aid of scows there was *no time* when the forwarding merchants had to detain their goods at Blairsville for twenty-four hours for the want of water.

The Board would here solicit the especial attention of the Legislature and of the public, to this important fact: *That the navigation of the main line of the Pennsylvania canal, was maintained throughout the season with but slight delays.* Notwithstanding which, men interested in depreciating our public works, or governed by mistaken policy, were but too successful, by exaggerated statements of breaches and failures, in deterring western merchants and others from using the canal as a medium of transportation. The effect of these misrepresentations has been a serious injury to the trade of Philadelphia and Pittsburg, and to the revenue of the Commonwealth.

During the period when little business was doing upon the canal *above* Blairsville, it was thought advisable to draw off the water from the Ligonier line, for the purpose of making repairs at several points. This was deemed important, as the opening of the Portage railway will bring that line of canal into active use. The most urgent of those repairs have been made, and the residue can be done during the ensuing winter.

A feeder of one mile and one hundred and seventy-three perches, has been constructed at Conemaugh town, with a dam in Stoney creek three hundred and fifty-eight feet long and seven feet high—a guard lock, two square culverts, and six bridges. The feeder is eighteen feet wide at bottom, thirty feet wide at top water, and four feet deep.

To guard against the effects of a very dry season, when there is an active trade upon the canal, it will be necessary to construct one or more reservoirs on Stoney creek, or the little Conemaugh.

Three heavy and expensive outside protection walls had to be built upon the Western division, within the last year, to defend exposed points of the canal banks against the floods of the river. New trunks and inner arches were also required in the two large aqueducts over the Allegheny river; the timber for them has been procured, and it is chiefly all prepared for putting up, which will be done the ensuing winter, when the water is out of the canal. Ice breakers have been built to protect several piers of the aqueducts which were exposed to injury.

A strong crib work has been built below the Leechburg dam, in the Kiskiminetas river, to secure the dam from undermining, by the reaction of the water falling over it. This crib work is five hundred and fifty feet long, across the stream, thirty feet wide at the base, and twenty-four feet wide at the top, measured with the thread of the stream. It is sunk in water averaging twenty-six feet deep, and contains sixty-three thousand feet of timber, twenty thousand pounds of iron, and eleven thousand one hundred and seventy-six cubic yards of stone filling.

The dam has now a base of one hundred and twenty-eight feet, and its average height, from the bed of the river to the comb, is thirty-four feet, or twenty-three feet above low water. It contains three hundred and seven thousand feet of timber, one hundred and twenty-six thousand pounds of iron, and forty-eight thousand three hundred and twelve cubic yards of stone filling.

Dam No. 2, on the Kiskiminetas, also requires a crib work below it, the timber of which is provided, and will be put in this season. The out-let lock in Allegheny-town, owing to a defect in the foundation, had to be taken down, and it is exceedingly difficult to re-build it in the gravel bed of the river. An outlet lock in the Kiskiminetas has also failed, and must be taken down and re-built this winter. The Monongahela branch of the canal in Pittsburg, has been rendered useless, being filled with mud, which is carried down from the neighboring heights by heavy rains. By the estimate of the engineer, it will require nine thousand nine hundred



and fifty-eight dollars, to construct sewers for avoiding the mischief. A number of water ways around locks, and other necessary works, had to be suspended for want of funds.

#### *Susquehanna Lines.*

The navigation on the North Branch division closed about the eighth or tenth of December; and on the West Branch and Susquehanna divisions, on the twentieth of December, 1832. The Susquehanna division opened last spring, on the twentieth of March, but owing to damage done by a flood on the North Branch, and by watermen on the West Branch canals, little business was done until about the twelfth of April. On the fourteenth of May, the navigation was suspended by the great flood, and was not again resumed throughout the lines until the twenty-fifth of July. Since then, but few interruptions have taken place.

On the twenty-fifth of March last, the watermen engaged in running arks and rafts down the West Branch of the Susquehanna, made a breach in the canal a short distance below the Muncy dam, through which they passed with their craft, and which cost to repair it nineteen hundred and seventy-six dollars and sixty-six cents. About the middle of May, both branches of the Susquehanna rose to an unusual height. On the West Branch Division, an extensive breach was made through the protection wall, near the pier head at the entrance of the canal into the Muncy dam; and the water from the river broke into the canal below the guard lock, and passed out again about five miles further down, making a large breach at each place, destroying several bridges, and doing much damage to the banks. The repairing of these disasters, cost sixteen thousand and thirty dollars and ninety-seven cents. The damages thus sustained, were so far repaired as to admit the water again into the canal on the fifth of June. Since then there has been but little interruption to the navigation.

The North Branch division rose twenty-eight feet above low water mark, and covered the canal for nine miles down from Nanticoke dam. The lock-house at the guard lock was carried away; the abutment of the dam, and a quantity of protection wall were thrown down, and the canal was partially filled with sand for a long distance. Serious and extensive injury was done at many places to the canal banks by breaches, and washing away the lining. Those injuries were repaired, and the canal again opened for navigation on the nineteenth day of June.

On the Susquehanna division, several bridges were destroyed; the water also broke around the stone abutment attached to the short feeder dam which connects with the wall of the chute at the Shamokin dam, and washed away so much of the bank as to endanger the safety of the canal. But the most formidable breach, and the one which required the most time to remedy, was at Penn's creek, where the mound which carries the canal across one of the branches or outlets of that stream, was entirely carried away. When the work upon this breach was nearly completed, it was a second time swept off, by a sudden rise in the creek. These breaches have been substantially repaired; the stone alone, used for that purpose, cost fifteen thousand and ninety-four dollars and thirty-five cents. To the above causes is to be attributed the delay in opening the navigation upon those lines, in the spring, and the length of time during which it was suspended. It is believed that, by the erection of a few safety gates, which are now in progress, and the strength of the repairs which have been made at weak and exposed points, but little danger may hereafter be apprehended from floods in the river.

The chutes of the Nanticoke and Shamokin dams, have given but little interruption to the river trade during the past season; the one at Muncy dam was for a

while unsafe, but it has been repaired, and they are all at this time in good condition.

In 1832, a portion of the Nanticoke dam on the North Branch, was carried away by a freshet in the river, and has since been replaced by a new dam built on a better plan. In last month, one hundred and thirty feet of the old part of this dam were also carried off; preparations are now making to rebuild it.

A feeder from Fishing Creek should be introduced into the North Branch division, to obviate the present necessity of supplying the canal with water for fifty-four miles, from Nanticoke dam. This will be rendered still more necessary, when the trade upon that division shall have increased, by the completion of the Wyoming line.

#### *Delaware Division.*

The Delaware division of the Pennsylvania canal, is destined to become one of the most profitable lines in the State, on account of the mineral coal that must pass through it to market. During the past season, this line has suffered severely from the effects of extraordinary floods in the Delaware river and some of its tributary streams, which cross the line of the canal.

In December, 1832, and in May, June and October, 1833, extensive breaches occurred, which required large expenditures to repair: and in addition to the effectual repairing of breaches, weak points in the banks have been strengthened—the dam in the Lehigh river at Easton, has had crib work sunk below it for its support—a large water way has been constructed round the guard lock at that place—several other water ways and waste weirs have also been made—and a few safety gates erected; some more of which are yet required for the entire security of the canal. These new works have cost about fifteen thousand dollars.

Some difficulty still exists in filling the thirty-five miles of canal between Easton and New Hope with water, especially after the water has been withdrawn for the purpose of doing repairs. It has been suggested that a feeder from the Delaware river near Black's Eddy, would remedy the evil. The expense of such a feeder, is estimated at forty thousand dollars. The water works at New Hope have been completed, and are a valuable improvement.

#### *French Creek Feeder.*

This isolated piece of canal was put under contract in 1827 and 1828, and for several years past, has been reported among the finished lines, although, as it could not be filled with water, it was entirely useless. Since it was taken off the contractor's hands, it has been going to decay for want of repairs. A commencement was made, during the summer, to put it in repair, so as to be ready for the reception of water upon the completion of the new lines; but it proved an arduous as well as expensive undertaking, and had to be suspended for the want of funds.

A weigh lock at Alleghenytown, which was put under contract in 1832, has been finished, and its utility proved. Four other weigh locks have been put under contract. The one at Portsmouth and the one at Easton are completed and in use, and the one at Hollidaysburg will be finished this season. The one at Northumberland had to be suspended for want of funds. The lock at Easton weighs one hundred tons, and the others eighty tons each. Those that have been finished are so accurate, that from twenty-five to fifty pounds will turn the beam. Weigh locks upon the canal are indispensable, for ascertaining the correct tonnage of boats and for preventing frauds upon the revenue, and also for protecting those engaged in the business of transportation from imposition. A few more are required.

The following is a summary of the work upon which



the appropriation of the twenty-seventh March, 1833, for new work upon old lines, has been expended.

Weigh locks, scales, &c.	\$19,826 08
Waste Wiers,	6,639 34
Fence,	5,201 77
Lock house, lots, &c.	3,578 22
Locks,	1,065 79
Aqueducts,	4,821 99½
Feeders,	9,623 61
New Hope dam, &c.	10,008 09
Bridges,	3,367 30
Sections,	2,720 91½
Completing first ten miles of the Columbia line, &c.	14,363 99
Protection wall,	893 50
Collector's office,	908 17
Safety gates,	3,457 53
Removing buildings,	126 25
Engineers,	644 60
Contingencies,	368 52
	<u>\$87,315 06</u>

The whole amount drawn by superintendents in 1833, out of the old work fund, is

Amount expended as above stated, \$87,315 06

Amount drawn by superintendents out of former appropriations, for old work, and not included in the above expenditures of this year, 6,275 00

Amount unaccounted for in the hands of superintendents, 4,538 46

\$98,128 52

There is due out of this fund, for work done on the Cone-maugh feeder, \$11,572 25

<i>Abstract of Expenditures for repairs in 1833.</i>	
For Dams,	\$21,524 63
Locks,	3,374 65
Aqueducts,	18,188 04
Waste Wiers,	13,301 37
Culverts,	2,525 00
Bridges,	7,786 39
Protection Wall,	28,646 99
Gates,	1,023 08
Current Repairs,	179,013 37
	<u>\$275,383 52</u>

The current repairs upon the several divisions, which cost as above stated, the sum of one hundred and seventy-nine thousand and thirteen dollars and thirty-seven cents, include the repairs of breaches, gravelling dams, strengthening banks, slating towing-paths, &c. and are as follows:

	Miles.	
Eastern division,	45	\$12,463 53
Juniata division and feeders,	132	15,748 33
Western division,	105	23,854 15
Susquehanna division,	37	20,579 56
West Branch division,	26½	20,956 27
North Branch division,	59½	20,304 19
Delaware division,	59½	59,408 33
French creek feeder,	19½	5,699 01
		<u>\$179,013 37</u>

#### *Statement of the fund for repairs.*

Whole amount drawn by supervisors in 1833, \$302,081 84

Balance in the hands of supervisors,

vember 1, 1832,	4,172 21
	<u>\$306,254 05</u>
Amount paid for work done and materials previous to 1st November, 1832,	105,976 72
	<u>Amount of the appropriation of 1833 for repairs, drawn and applicable for the work of the year,</u>
	<u>\$200,277 33</u>
Whole amount of the cost of repairs made in 1833,	\$275,383 52
Deduct the available funds drawn,	200,277 33
	<u>Amount of debts due,</u>
	<u>\$75,106 19</u>
Balance of the fund in the Treasury, November 1, 1833,	10,807 61
Amount required,	<u>\$64,298 58</u>

Upon the settlement of the accounts of a former supervisor, whose debts for repairs made prior to the 1st November 1832, were not ascertained by the board at the date of their last report and upon a full settlement of the accounts for repairs made, and debts of that year paid, it appears that the actual sum due on the first November 1832, exceeded the estimate then made by the Canal Commissioners. These debts continue to accumulate throughout the winter, and owing to the late period of the session when the legislature have heretofore made appropriations, the spring is far advanced before the supervisors can draw funds enough to pay their debts and proceed with their work; under such circumstances, it is impossible to have all the lines of canal well prepared for an early navigation in the spring.

Every effort has been made by the Board, consistently with the well being of the public works to husband the funds, but for three years past they and the supervisors have often been subjected to extreme embarrassments when the appropriation for repairs became exhausted. At such times, dams and other expensive improvements in progress have frequently been in an unfinished state. To abandon them in such a condition, would be to give up the whole system of improvement to ruin. And as there has been no power lodged in any department of the government to grant relief, it has often become necessary to appeal to the public spirit of the supervisors, to preserve the canals from destruction and the public from disappointment. It is but justice to those officers to state, that such appeals have seldom been made in vain. Many of them have with a laudable ambition, exerted themselves to the utmost, and exhausted their private credit, after their drafts ceased to be paid at the Treasury. But the evils are not confined to the agents of the state and the laborers who have to go without their wages; important works have to be postponed, and repairs done under the circumstances just mentioned, are always more costly to the commonwealth.

#### *Tolls.*

The tolls paid into the Treasury in 1830 amounted to \$27,012 90

In 1831, there was paid in 38,241 20

And during the year ending on the 31st October 1832, there was paid in 50,909 57

The tolls paid into the Treasury for the last year ending October 31, 1833, amount to 151,419 69

This sum of one hundred and fifty-one thousand four hundred and nineteen dollars and sixty-nine cents, which has been received by the Treasurer within the last fiscal year, will probably be increased during the navigable season, to near two hundred thousand dollars.

It will be gratifying to the citizens of the commonwealth, to observe, that the tolls received in 1833, have trebled the amount received in 1832, and that too under many discouraging circumstances. There has been



but a single line of boats regularly employed (one starting daily from each city) between Philadelphia and Pittsburg throughout the past season; and they only used one hundred and fifty-three miles of the Pennsylvania canal on the east side, and seventy-three miles on the west side of the mountain. The Susquehanna lines were not in full use until the twenty fifth of July, and the navigation of the Delaware division was much interrupted by breaches.

As one hundred and eighteen miles of rail-road will be provided with a single track of rails, which can be used, and which will connect the unconnected links, in the main line; as the old lines of canal are becoming more permanent and new lines will be added next spring. And as the slumbering spirit of the mercantile portion of the community is aroused to a proper apprehension of the importance of securing the immense trade of the "great west," the Canal Commissioners think they hazard but little in predicting that the amount of tolls which will be paid into the Treasury during the ensuing navigable season, will not be much, if any, short of half a million of dollars.

Tables are annexed to this report showing the amount of toll received by each collector within the past year, and also the tonnage, &c. conveyed upon the canal and rail-way as required by law.

#### *New Lines.*

Since the commencement of the improvement system of Pennsylvania, there have from time to time been introduced into the laws making appropriations, restrictions with a view of guarding against frauds and preventing abuses. Some of these prudential guards around the Treasury have produced evils which the Canal Commissioners consider it their duty to present to the Legislature for their consideration. And among these is the provision in the several acts passed within the last three years, for prosecuting the public works, which prohibits the Canal Board from incurring debts for the completion of new work under contract, on the faith of the State.

However wise and salutary such a prohibition may seem to be in *principle*, yet in practice it has delayed the completion of the canals and rail-ways, and greatly enhanced their cost. It is believed that the evils produced by this provision in the canal laws, are much greater than any that could have taken place without it. It is evidently the wish of the public and the interest of the State, that the improvements should be completed as soon as possible after they are commenced.

When an appropriation is exhausted the whole line is broken up. The retained per centage, which is designated as a security for the faithfulness of contractors, has to be paid to them. And those contractors who have unprofitable jobs are certain to abandon them. Laborers are scattered, and make engagements elsewhere; and they do not willingly return to a line where employment is so uncertain.

The laws making appropriations are always passed late in the session of the Legislature. After which the scattered corps of Engineers have to be collected and reorganized. Jobs have to be advertised and let—and contracts entered into. Contractors have to collect laborers, teams, provisions, &c.; by which the best season for doing work is wasted, and of course their prices for the work must correspond with the disadvantages.

Every thing which encourages re-letting is most pernicious in its effects. It destroys the responsibility and laudable pride which good contractors take in completing their jobs faithfully. It encourages a spirit of speculation or gambling in chances. It covers such lines with many bad contractors, and it enhances the cost and delays the work unreasonably.

While the public works are constructing, they are subject to many casualties which cannot be foreseen or estimated; such as floods, quicksands, hill-slips, a rise in labour or provisions, and a difficulty in procuring materi-

als: and as a necessary consequence, numerous re-lettings at much higher prices—by which the appropriation may be exhausted before the line is completed. A canal may be nearly ready to receive the water, when the remaining work undone must be suspended, and the completion and use of the line postponed until another season.

The evil effects of the restriction are still more obvious on the rail roads. The iron rails, pins, and wedges, and a large proportion of the chairs have to be procured in England. And it has been found almost impossible to advertise for proposals—make contracts—send out orders—get the iron manufactured to pattern—have it imported and laid on the railway during the same season in which the law is passed making the appropriation.

The legal impediments which caution or perhaps prudence has thus erected in the path of the public agents, have delayed the completion of all the lines authorized by the act of the twenty-first of March, 1831, (except the Frankstown line of the Juniata division) for at least one year longer than was anticipated at their commencement, and, owing to causes just detailed, have greatly increased their expense. But while duty has enjoined a rigid compliance with legal requirements, however embarrassing they may have been, patience and perseverance have surmounted the numerous obstacles met with in the prosecution of the work; and it now only requires the efforts of another season, to finish all the canals and rail roads of the State, which the laws at present authorize.

As soon after the passage of the act of the sixteenth of February, 1833, as was practicable, operations were recommenced on all the lines for which appropriations were made in that act; since which time, the works have been prosecuted steadily, and upon several of the lines, with great zeal and energy towards completion. A more particular statement of the condition of each line, will be given under their respective heads.

(Remainder next week.)

From the Columbian Spy.

#### MINERALOGY.

On the farm of Mr. Joel Jackson, of Little Britain township in this county, is found octahedral magnetic oxide of iron, in the serpentine ridge.

Massive and crystallized ferruginous oxide of Chrome, or chromate of iron, occurs on a minor ridge of serpentine, about a mile north of the main serpentine ridge, on the property of McKim, Sims & Co. of Baltimore, adjoining Joel Jackson's farm. The disintegrated crystals of chromate of iron, are found coating the cavities of all the ravines made in the sides of the hill, and indicate the existence of this valuable material in quantity.

Magnesite. An extensive locality of this valuable mineral occurs, forming veins in the serpentine of considerable thickness, same locality; and is now extensively quarried and manufactured by McKim, Sims & Co. into sulphate of magnesia, (Epsom Salts.) These gentlemen have succeeded in making a purer salt at a much less price than it can be imported; and the United States are now almost entirely supplied from this establishment. Several hundred tons of magnesite have been obtained from this locality, and Messrs. McKim & Sims manufacture 1,500,000 lbs. of Epsom salt annually.

Actynolite, in green compressed crystals, in talc, serpentine ridge on Joel Jackson's farm.

Noble Serpentine, with delicate veins of amianthus, serpentine ridge on Jackson's farm.

Chalcedony. An interesting locality of this mineral occurs near the magnesite and chromate of iron, above described.

November 15.



## THE REGISTER.

PHILADELPHIA, DEC. 21, 1833.

A desire to place the two important papers which are commenced in the present number, in *this* volume which will terminate next week—precludes an insertion of many miscellaneous articles properly belonging, in point of time, to this portion of our work—and compels us to postpone them till the next volume—as the remainder of the two documents before alluded to, will occupy the whole of our space in the subsequent number.

Gen. M'Kean has been elected by the Legislature, a Senator of the United States. The vacancy in the office of Secretary of State occasioned thereby, has, by the appointment of the Governor, been filled by the nomination of James Findley, late Speaker of the House of Representatives.

On Saturday night last, a severe snow storm occurred—and on Sunday night a most violent northeaster commenced, which did great damage to shipping at the wharves, and to many houses in the city.

### PUBLIC DEPOSITES.

The importance of the questions which are under discussion not only in the legislature of the United States, but in the mind of every reflecting citizen, of all parties, in relation to the public deposits, is so unusually great—and the necessity of reference to documents is of such constant occurrence, that we have thought we could not render a greater service to our subscribers, than to publish in continuity, and consequently with the advantage of juxtaposition, every official paper bearing upon this topic. The peculiar duty of the "Register" being to preserve a record of all public acts of general interest, the absence of these papers might justly be deemed an unwarrantable departure from its proper course. The reasons of the Chief Magistrate, and the report of the Government Directors have been already published. We now proceed to the report of the Committee of the Bank of the United States, in reply to those two documents. The reasons assigned by Mr. Taney, Secretary of the Treasury, to Congress, and other official papers will follow in due course.

BANK UNITED STATES, }  
Tuesday, Dec. 3d, 1833. }

At an adjourned meeting of the Board of Directors held this evening,

Present, N. Biddle, President.

Messrs. Willing	Fisher	Lewis
Eyre	Lippincott	Holmes
Bevan	Chauncey	Gilpin
White	Newkirk	Sullivan
Sergeant	Macalester	Wager

Mr. Chauncey, from the special committee appointed on the 24th September, presented the following Report, which was read.

Whereupon, Mr. Chauncey moved the following resolution,—

Resolved, That the said report with the accompanying resolution, be adopted.

Upon this motion the yeas and nays were called for, when it was carried by a vote of 12 to 3, as follows.

Yeas—Messrs. Willing, Eyre, Bevan, White, Sergeant, Fisher, Lippincott, Chauncey, Newkirk, Lewis, Holmes, Biddle, 12.

Nays—Messrs. Gilpin, Sullivan, Wager, 3.

On motion it was Resolved, that 5000 copies of the said report be printed for the use of the Stockholders of the Bank.

Extract from the minutes.

S. JAUDON, Cashier.

### REPORT.

The Committee to whom was referred on the 24th of September, a paper signed "Andrew Jackson," purporting to have been read to a Cabinet on the 18th, and also another paper signed "H. D. Gilpin, John T. Sullivan, Peter Wager, and Hugh M'Elderry," bearing date August 19th, 1833—with instructions to consider the same, and report to the Board "whether any, and what steps may be necessary on the part of the Board in consequence of the publication of said letter and report," beg leave to state—

That they have carefully examined these papers, and will now proceed to report the result of their reflections in regard to them.

In order, however, to render them more intelligible, it will be proper to recall to the attention of the Board, the actual relations which the Bank has for some years past borne to the Executive.

Since the establishment of the Institution it has devoted itself anxiously and exclusively to the purposes of its creation, the restoration of the currency, the maintenance of the general credit, and the accommodation of the internal and foreign trade of the country. That it has not failed in these objects—that it has indeed realized more than the anticipations of the most sanguine, is attested by all parts of the community. It was in the midst of this career of inoffensive usefulness, when soon after the accession to power of the present Executive, the purpose was distinctly revealed that other duties than those to the country were required—and that it was necessary for the Bank in administering its affairs, to consult the political views of those who had now obtained the ascendancy in the Executive. It is understood that soon after that event a meeting was held in Washington of the principal chiefs, to consider the means of perpetuating their new authority, and the possession of the Bank was among the most prominent objects of the parties assembled. The first open manifestation of this purpose was in June, 1829, when a concerted effort was made by the executive officers to interfere in the election of the Board of Directors at Portsmouth. At the head of this attempt was Mr. Levi Woodbury, now a member of the present Cabinet at Washington, who did not hesitate to avow in a letter to the Secretary of the Treasury, which, though marked "confidential" was consequently ordered to be published by the Committee of Investigation in 1832—that he wished the interference of the Government to remove the President of the Branch at Portsmouth, of whom he says:—

"The new President, Jeremiah Mason, is a particular friend of Mr. Webster, and his political character is doubtless well known to you,"—and he requests the Secretary of the Treasury "to communicate with some of the Directors of the Mother Bank in favour of such a change."



This letter of Mr. Woodbury was transmitted to the Bank by the Secretary of the Treasury, who stated that "from some expressions in his letter, it may be inferred that it is partly founded on a supposed application of the influence of the Bank, with a view to political effect"—in consequence of which he deemed it his duty to present it to the Bank, "with the views of the administration in relation to it." At the same time, Mr. Isaac Hill, acting as the Comptroller of the Treasury until rejected by the Senate, and now a Senator of the United States, sent a memorial from the members of his political party in the Legislature of New Hampshire, requesting the removal of Mr. Mason. In another communication presented to the Bank, he gave it as his opinion, that no measures short of Mr. Mason's removal would tend "to reconcile the people of New Hampshire to the Bank," and that "the friends of General Jackson in New Hampshire, have had but too much reason to complain of the management at Portsmouth." Finally, the Secretary of War ordered the transfer of the pension fund from the Branch Bank at Portsmouth to another Bank in Concord, an act so obviously in violation of the laws, that it was first resisted by the Bank, and then retracted by the Secretary.

It became then manifest to the Bank, that there was a combined effort to render the Institution subservient to political purposes; and that it was necessary to come to some immediate and distinct understanding of its rights and duties. This was done in the correspondence of the President of the Bank with the Secretary of the Treasury, of which the following passages will indicate the general purport.

"Presuming that we have rightly apprehended your views, and fearful that the silence of the Bank might be hereafter misconstrued into an acquiescence in them, I deem it my duty to state to you in a manner perfectly respectful to your official and personal character, yet so clear as to leave no possibility of misconception, that the Board of Directors of the Bank of the United States, and the Board of Directors of the Branches of the Bank of the United States, acknowledge not the slightest responsibility of any description whatsoever to the Secretary of the Treasury touching the political conduct of their officers, that being a subject on which they never consult, and never desire to know the views of any administration."

Again:—"Accordingly the act of Congress simply declares, 'that for the management of the affairs of the said Corporation, there shall be twenty-five Directors.' When these are chosen, the whole administration of the Bank is committed to their exclusive care. Their responsibility for the management of it is to Congress, and to Congress alone: but no Executive Officer of the Government, from the President of the United States downwards, has the slightest authority to interfere in it; and there can be no more warrant for suggesting the views of the administration to the Bank of the United States than to the Supreme Court of the United States."

Finally:—"For the Bank, which has specific duties to perform, and which belongs to the country and not to any party, there is but one course of honour or of safety. Whenever its duties come in conflict with the spirit of party, it should not compromise with it, nor capitulate to it, but resist it—resist it openly and fearlessly. In this its interest concurs with its duty, for it will be found at last, such is the good sense of the country, that the best mode of satisfying all parties is to disregard them all."

These extracts reveal the whole secret of the hostility to the Bank of those, who, finding it impossible to bend it to their purposes, have resolved to break it. For this purpose, all the poisoned weapons of political warfare have, for the last four years, been unsparingly and unceasingly employed against the Institution. Thus far their efforts have failed—they have been defeated before Congress, and discountenanced by the commu-

nity. But now, being relieved from the presence of Congress, and the legal guardian of the public revenue being removed, they have ventured on this last act of violence.

To justify this measure is the purpose of the paper signed, "Andrew Jackson." Of the paper itself, and of the individual who has signed it, the Committee find it difficult to speak with the plainness by which alone such a document, from such a source, should be described, without wounding their own self-respect, and violating the consideration which all American citizens must feel for the chief magistracy of their country. Subduing, however, their feelings and their language down to that respectful tone which is due to the officer—they will proceed to examine the history of this measure, its character and the pretences offered in palliation of it. Of these in their order—

1st: It would appear from its contents and from other sources of information, that the President had a meeting of what is called the Cabinet, on Wednesday the 18th Sept., and there read this paper. Finding that it made no impression on the majority of persons assembled, the subject was postponed, and in the mean time this document was put into the newspapers. It was obviously published for two reasons. The first was to influence the members of the Cabinet by bringing to bear upon their immediate decision the first public impression excited by misrepresentations, which the objects of them could not refute in time—the second was, by the same excitement, to affect the approaching elections in Pennsylvania, Maryland, and New Jersey. The first design is apparent from the fate which has befallen these counsellors. Whilst something was hoped from their fears, it was expedient to flatter them, keeping in reserve behind these blandishments, the power to punish disobedience. "By the terms of the Charter," the President says, "the public money is to be deposited in the Bank during the continuance of its Charter, unless the Secretary of the Treasury shall otherwise direct." "Unless, therefore, the Secretary of the Treasury first acts, Congress have no power over the subject, and consequently the public money must remain in that institution until the last hour of its existence, unless the Secretary of the Treasury shall remove it at an earlier day;" and again, "the power of the Secretary of the Treasury over the deposits is unqualified."

Having thus argued the Secretary of the Treasury into an exclusive control of the deposits, the President proceeds to give his reasons why the Secretary should remove them, concluding with this remark—"Far be it from him to expect or require that any member of the Cabinet should at his request, order, or dictation, perform any act which he believes unlawful, or in his conscience condemns." Yet notwithstanding these expressions of humility, the moment the Secretary of the Treasury dares to resist this intrusion into his Department, and refuses to do what "his conscience condemns," he is immediately dismissed from his office, and denounced in the official Gazette as a "refractory subordinate." The same official announces to the other two offending ministers, "that however he may regret the difference of opinion," the President still thinks "that the measure is one upon which the members may conscientiously differ from the President and from each other;" that is to say, that they are not yet to be dismissed for expressing their opinions, the President being appeased by the sacrifice of the most contumacious of the opposition.

Its purpose to influence the elections is attested by the triumphant exultation of the Official Gazette, that—

"We have received intelligence which authorizes the belief, that, in the late election in Pennsylvania, the Legislature of that State has undergone a change which will give the Jackson party a majority of two-thirds, and the same result has been accomplished in Maryland. We learn from sources to be relied on, that the



success of the Jackson ticket in some of the Anti-Jackson counties in Maryland, was secured by the late exposures of the corruptions of the Bank, read by the President to his Cabinet—and we have no doubt that it had its effect on all the recent elections.”

2d. The indelicacy of the form of these proceedings corresponds well with the substance of them, which is equally in violation of the rights of the Bank and the laws of the country.

The Bank of the United States was chartered by Congress for certain national purposes; and as it was thought expedient to obtain the skill and vigilance of private interest in managing the institution the citizens generally were invited to unite their private fortunes with the public capital. They did so, and the charter of the Bank is in fact an act of partnership between the Government and the Stockholders, specifying the rights and duties of each party. In the charter of the first Bank of the United States, there was on the part of the Bank no payment of a bonus—no obligation to transfer the public funds—no performance of the duties of the Loan Office—while on the part of the government there was no stipulation to give the use of the deposits. This defect was supplied in the charter of the present Bank by positive agreement. Thus the Bank, in addition to its arduous duty of resorting and sustaining the general currency, agreed by the 15th section, “to give the necessary facilities for transferring the public funds from place to place within the United States or the territories thereof, and for distributing the same in payment of the public creditors, without charging commission, or claiming allowance on account of difference of exchange; and shall also do and perform the several and respective duties of the Commissioners of Loans for the several states, or of any one or more of them, whenever required by law.”

And again, the 20th section declares—“That in consideration of the exclusive privileges and benefits conferred by this act upon the said Bank, the President, Directors, and Company thereof, shall pay to the United States out of the corporate funds thereof, the sum of one million and five hundred thousand dollars.”

Such was the consideration to be given by the Bank. The consideration to be given by the Government, was “that the deposits of the money of the U. States in places in which the said Bank and Branches thereof may be established, shall be made in said Bank or Branches thereof, unless the Secretary of the Treasury shall otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the session, the reasons of such order and direction.”

This contract was deemed so unfavourable to the citizens generally, that on the opening of the books, the subscription was not filled, from a belief that the investment upon such terms could not be advantageous—an anticipation too well realized by the fact that the stockholders have never yet received the legal rate of interest on the principal subscribed. But the only temptation by which they could be induced to unite with the Government was, that while on the one hand they paid in advance to the Government a million and a half of dollars, and performed certain stipulated duties, they should have the benefit of the deposit of public funds until they were wanted in the public disbursements. These were the two essential stipulations—may, they were in fact almost the only ones. This was the opinion of the Committee of Finance of the Senate, when on a proposition to make the Bank pay for the use of the Deposits, they reported on the 21st of April, 1828, that “the 16th section directs that the deposits of the money of the United States shall be made in the Bank and its branches. No change can be made therein without a direct violation of the charter, which the faith of the nation is bound to sustain. No view of that kind could be contemplated by any person, and none, it is presum-

ed, has been contemplated”—and they further declare their opinion, that in the bonus and the services rendered by the Bank, “the United States have been amply paid for all the advantages derived from the deposits of their funds in the Bank and its branches.” The same views are expressed in another report of the Committee of Finance of the Senate on the 20th of February, 1829. “The Committee repeat their opinion that the charter gives to the Bank the use of the public deposits without any other remuneration than such as are distinctly authorized in that instrument; that the exaction of any other would, in the opinion of the Committee, be a direct violation of the charter. The 16th section says distinctly, that the deposits of the money of the United States ‘shall be made in the Bank of the United States and its Branches.’ This is positive and can not be misunderstood. The 20th section says, ‘that in consideration of the exclusive privileges and benefits conferred by this act upon the said Bank, the President and Directors, and Company thereof, shall pay to the United States \$1,500,000.’ The Bank was to pay and has paid the million and a half of dollars. For what? For the exclusive privileges and benefits conferred by this act. What are the benefits? The Committee can perceive none except the deposits for which the Bank has actually paid already.”

The President himself, in his manifesto, is obliged to allow that “the charter to the Bank is to be considered as a contract on the part of the Government—it is not now in the power of Congress to disregard its stipulations—and by the terms of that contract the public money is to be deposited in the Bank during the continuance of its charter, unless the Secretary of the Treasury shall otherwise direct.”

It is then admitted on all hands that this is a contract by which the Bank was to pay a sum of money, and to perform certain services, as a consideration for the use of the Government deposits, which the Government stipulated should remain in the Bank, unless otherwise directed by a particular officer, the Secretary of the Treasury. The purpose of giving this power was obviously to prevent any loss of the revenue, and it was designed exclusively to enable the Secretary to protect the interests of the Government if the Bank became unsafe. This was the opinion of the Secretary of the Treasury, Mr. Crawford, who, in one of his very first communications to the Bank, in March 17, 1817, declared “that, by the charter, the public money deposited in places where the Bank of the United States, or its Branches, are established, must be deposited in them, except when there are urgent reasons to the contrary.” This was also the opinion pronounced by the Committee of Finance of the Senate, in their report of the 20th of February, 1829. After citing the 16th section, they say:—

“The Committee see, in the power given to the Secretary, a discreet precaution, and the words they believe convey only the idea, that if, at any time, the Secretary shall be of opinion that there will be a danger of loss to the United States, by its money remaining in the vaults of the Bank, he may remove it for safety, and report his reasons to Congress. No other construction can, in the opinion of the Committee, be given to that part of the 16th section.”

This too was the opinion expressed by the President himself in his message to Congress on the fourth of December, 1832, in which he recommends an inquiry, in order to allay “the apprehension that it is no longer a safe depository of the money of the people;” and in the same message he adds:

“Such measures as are within the reach of the Secretary of the Treasury, have been taken to enable him to judge whether the public deposits in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under a firm belief that it is worthy of serious investigation.”



And the Secretary of the Treasury in his report to the same Congress, in 1832, mentions certain things which "have suggested an inquiry into the security of the Bank as the depository of the public funds."

The subject of the safety of the deposits was thus an object of inquiry by the Secretary of the Treasury, and by Congress—and what was the result? The agent of the Treasury, after a full investigation, reported as follows:

"Thus far I consider my report as complying with that part of your letter directing the investigation 'so as to ascertain the security of the public money, and the solvency of the Bank,' neither of which in my opinion, admit of a doubt."

The House of Representatives, after an investigation by the Committee of Ways and Means, resolved by a vote of more than two-thirds,

"That the Government deposits may, in the opinion of the House, be safely continued in the Bank of the United States."

From these it is apparent that, in the opinion of the President, the Secretary of the Treasury, and the Committee of Finance, the question of removing the deposits was a question merely of their safety:

"That the Government, through its proper channels, inquired into their safety:

And that through all these channels their safety was made manifest, and so declared by the highest authority.

But supposing this to be less evident than it is—supposing that causes other than the safety of the public funds would justify their removal from the Bank after it has paid a full equivalent for them, still one thing is manifest:

That the Secretary of the Treasury, and the Secretary of the Treasury alone, has the power to remove them—that officer being specially designated to perform that specific duty—and the President of the United States being, by the clearest implication, forbidden to interfere.

The whole structure of the Treasury shows, that the design of Congress was to make the Secretary as independent as possible of the President. The other Secretaries are merely executive officers; but the Secretary of the Treasury, the guardian of the public revenue, comes into immediate sympathy with the representatives of the people who pay the revenue; and although according to the general scheme of appointment he is nominated by the President to the Senate, yet he is in fact the officer of Congress, not the officer of the President. Thus:

By the act of Congress, of 1789, it was provided, that

"There shall be an Executive Department, to be denominated the Department of War; and there shall be a principal officer therein to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the United States."

By the same act it was provided, that

"There shall be an Executive Department, to be denominated the Department of Foreign Affairs, [afterwards changed by the act of September 15, 1789, to the Department of State] with the same provisions as to the principal officer."

By the act of 30th of April, 1798, it was declared, that

"There shall be an Executive Department, under the denomination of the Department of the Navy, the chief officer of which shall be called the Secretary of the Navy, whose duty it shall be to execute such orders as he shall receive from the President of the United States."

The bill introduced into the Congress of 1789, provided for the establishment of the three Departments—those of War, State and Treasury—under the name

of Executive Departments. But Congress made a distinction between them. On the 2d of July, 1789, as the Journals of Congress show, "An engrossed bill 'for establishing an Executive Department, to be denominated the Treasury Department,' was read the third time, and the blanks therein filled up.

"Resolved, That the said bill do pass, and the title be an Act to establish the Treasury Department."

The same distinction pervades the whole organization of the several Departments. The Secretary of the Navy, of State, and of War, are to execute the orders of the President—but the Secretary of the Treasury is not enjoined to execute the orders of the President. Not a single word is there of performing the orders of the President. On the contrary, the act of Congress declares, that it shall be his duty "to make report and give information to either Branch of the Legislature, in person or in writing, (as he may be required) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office." And the act of May 10th, 1800, directs him to make his annual report, not to the President, but to Congress.

This independence of the Secretary of the Treasury—if it be true in general—is more especially true in regard to the Bank. It was in fact the leading principle in organizing the Bank, that the President should be excluded from all control of it. The question which most divided the House of Representatives was whether there should be any Government Directors at all—and although this was finally adopted, yet its tendency to create an executive influence over the Bank was qualified by two restrictions—first, that no more than three Directors should be appointed from any one State—and second, that the President of the Bank should not be, as was originally designed by the Secretary of the Treasury, chosen from among the Government Directors. Accordingly, by the charter, the Secretary of the Treasury is every thing—the President comparatively nothing. The Secretary has the exclusive supervision of all the relations of the Bank with the Government. Thus:

By the 15th article of the 11th section, the Officer at the head of the Treasury Department of the United States, shall be furnished from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock, &c. &c.

By the 15th section, "Whenever required by the Secretary of the Treasury, the said Corporation shall give the necessary facilities for transferring the public funds," &c. &c.

By the 16th section, the deposits of the money of the United States shall be made in the Bank and its Branches, "unless the Secretary of the Treasury shall at any time otherwise order and direct."

All these the Secretary may do—but from the beginning of the charter to the end of it, there is not one single power over the administration of the Bank assigned to the President, except in the last section, where it is declared that, "whenever any Committee of Congress shall find and report, or the President of the United States shall have reason to believe, that the charter has been violated, it may be lawful for Congress to direct, or the President to order, a *scire facias* to be sued out of the Circuit Court for the District of Pennsylvania, calling upon the Corporation to show cause wherefore the charter hereby granted shall not be declared forfeited." The whole function then delegated to the President is a power, concurrently with a Committee of Congress, to issue a *scire facias* by which the Court is to try whether his belief that the Bank has violated its charter is well founded. Yet this slender authority is made the pretext for usurping the whole power of the Secretary, and for doing that which the Secretary alone was authorized to do, and which he the President was not merely not authorized to do, but substantially prohibited from doing.



For it is manifest that this removal of the deposits is not made by the order of the Secretary of the Treasury. It is a perversion of language so to describe it. On the contrary, the reverse is openly avowed. The Secretary of the Treasury refused to remove them, believing, as his published letter declares, that the removal was "unnecessary, unwise, vindictive, arbitrary, and unjust." He was then dismissed because he would not remove them, and another was appointed because he would remove them. Now this is a palpable violation of the charter. The Bank and Congress agree upon certain terms, which no one can change but a particular officer: who, although necessarily nominated to the Senate by the President, was designated by the Bank and Congress as the umpire between them. Both Congress and the Bank have a right to the free, and honest, and impartial judgment of that Officer whoever he may be—the Bank, because the removal may injure its interests—the Congress, because the removal may greatly incommode and distress their constituents. In this case, they are deprived of it by the unlawful interference of the President, who "assumes the responsibility," which, being interpreted, means, usurps the power of the Secretary. To make this usurpation more evident, his own language contradicts the very power which he asserts:

"The power of the Secretary, says he, over the deposits, is unqualified."

"The President cannot refrain from pressing upon the Secretary of the Treasury his view of the considerations which impel to immediate action."

And yet these phrases have scarcely escaped him, when he ends by declaring that he "begs his cabinet to consider the proposed measure as his own." "Its responsibility is assumed," &c.

Finally, it was announced in the Official Gazette, that "We know the fact, that if Mr. Van Buren and every personal friend of the President, had united in recommending that the deposits should not be removed, the President would have taken measures to remove them notwithstanding."

The Bank, then, has a right to complain:

1st. That after paying amply for the use of the deposits, they have been suddenly drawn from it.

2d. That this has been done without the slightest suspicion of their insecurity, the only ground on which the removal could be justifiable—and

3d. That it has been done, not by the officer to whose judgment it had agreed to submit, but by another officer who had not the slightest right to interfere.

But the wrong done to the pecuniary interests of the Bank, sinks into entire insignificance when compared with the deeper injury inflicted on the country by this usurpation of all the powers of the Government.

By the act of Congress, chartering the Bank, certain specified powers in regard to it are delegated to particular officers.

By the 16th section, and by the 15th rule of the 11th section, the Secretary of the Treasury has a constant supervision of its affairs, and the power of placing the public revenue elsewhere, subject to an immediate and direct responsibility to Congress.

By the 22d section, Congress itself has the power of investigation, to ascertain if there be sufficient ground to justify an appeal to the courts of the United States. to try if it has violated its charter.

Finally, by the same section, whenever the President of the United States shall have "reason to believe that the charter has been violated," he may order a scire facias to be sued out of the Circuit Court of the District of Pennsylvania, calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited.

This is the whole power of the President in relation to the Bank. He may, if he thinks the charter has

been violated, bring the Bank before the court for trial. Now, in this manifesto, he distinctly declares that the Bank has acted "in direct violation of one of the most important provisions of the charter." If so, it was his duty to issue the scire facias—to appeal to the Courts and Juries. That was the only legitimate action which belonged to him. But a judicial investigation of his charges is precisely what he dreaded. The more summary and illegal invasion of the powers of others, seems to have more attraction than the legitimate exercise of his own. And making himself accuser and judge—disregarding the vote of Congress, the authority of the Courts and Juries, and the exclusive power of the Secretary of the Treasury, he substitutes at once his own arbitrary will. Certainly since the foundation of this Government, nothing has ever been done which more deeply wounds the spirit of our free institutions. It, in fact, resolves itself into this—that whenever the laws prescribe certain duties to an officer, acting under the sanctions of his official oath and his private character, refuses to violate that law, the President of the United States may dismiss him and appoint another; and if he too should prove to be a "refractory subordinate," to continue his removals until he at last discovers in the descending scale of degradation some irresponsible individual fit to be the tool of his designs. Unhappily, there are never wanting men who will think as their superiors wish them to think—men who regard more the compensation than the duties of their office—men to whom daily bread is sufficient consolation for daily shame.

The present state of this question is a fearful illustration of the danger of it. At this moment, the whole revenue of this country, is at the disposal—the absolute, uncontrolled disposal—of the President of the United States. The laws declare that the public funds shall be placed in the Bank of the United States, unless the Secretary of the Treasury forbids it. The Secretary of the Treasury will not forbid it. The President dismisses him and appoints somebody who will. So the law declares that no money shall be drawn from the Treasury, except on warrants for appropriations made by law. If the Treasurer refuses to draw his warrant for any disbursement, the President may dismiss him and appoint some more flexible agent, who will not hesitate to gratify his patron. The text is in the official Gazette, announcing the fate of the dismissed Secretary to all who follow him. "The Agent cannot conscientiously perform the service and refuses to co-operate, and desires to remain to thwart the President's measures. To put an end to this difficulty between the head and the hands of the Executive Department, the Constitution arms the Chief Magistrate with authority to remove the refractory subordinate." The theory thus avowed, and the recent practice under it, convert the whole free institutions of this country into the mere absolute will of a single individual. They break down all the restraints which the framers of the Government hoped they had imposed on arbitrary power, and place the whole revenue of the United States in the hands of the President. The power, too, is asserted in a tone fitter for the East, than for any country claiming to be governed by laws. The President declares that, "in his opinion, the near approach of the termination of the charter, and the public considerations heretofore mentioned, are of themselves amply sufficient to justify the removal of the deposits, without reference to the conduct of the Bank, or their safety in its keeping."

The only "public considerations heretofore mentioned," are his own re-election, and his belief that the charter would not be renewed. So that the President here avows that although the last Congress passed a bill re-chartering this very Bank—although the same Congress, a few months ago, at his own invitation, declared that the public deposits might be safely continued in this Bank—although a new Congress, many of whose members are chosen by the people since his own election,



is about to meet in ninety days, and will continue in existence for two years—although at the end of those two years a new Congress, fresh from the people, will meet before the charter expires—yet, notwithstanding all this, he, the President declares, on his own responsibility, that the deposits shall be removed; no matter whether the conduct of the Bank has been good or bad, and no matter whether the deposits are safe or unsafe; and accordingly he dismisses the officer who refuses to remove them, and appoints another who will remove them.

At this moment the process of evading the law is in full practice.

By the Constitution of the United States, (Sec. 9.) "no money shall be drawn from the Treasury but in consequence of an appropriation made by law."

By the act of Sept. 1, 1789, establishing the Treasury Department, the Secretary of the Treasury is authorized to "grant all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law;" and the same act further declares, that it shall be the duty of the Treasurer to receive and keep the moneys of the United States and to disburse the same, upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise."

But there has been a usage of transferring funds from one branch of the Bank of the U. S. to another, or one State Bank to another, when the public service required disbursements at remote places. This transfer draught, intended to require an actual transfer, has been converted into a mere check—a warrant in fact, though not in form—and has been applied to the purpose of taking the funds out of the place to which they are assigned by law, and transferring them to the opposite side of the street. As it was never presumed that such a power would be thus abused, the transfer draft has fewer checks than the warrant for disbursement, the signature of the Comptroller, who is the law officer of the Treasury not being usual; and accordingly by a strange anomaly, although the Treasurer's warrant to pay one hundred dollars to an honest creditor of the Government must go through a great variety of forms, the transfer draught for a million has fewer formalities. By means of these transfer draughts, as will be seen by the annexed correspondence, large sums of money have been withdrawn from the Bank of the United States, and placed in State Banks in the same city, without the slightest reference to the public disbursements—and no less than two millions three hundred thousand dollars of the public revenue have been placed at the discretion of the officers of the State Banks by transfer draughts privately issued, and without the notice to the Bank of the United States, which the Treasury had promised to give, and had hitherto always given of similar demands on the Bank.

The Committee willingly leave to the Congress of the United States the assertion of their own constitutional power, and the vindication of the principles of our Government, against the most violent assault they have ever yet encountered; and will now confine themselves to the more limited purpose of showing that the reasons assigned for this measure are as unfounded as the object itself is illegal.

The main purpose in fact of this manifesto, appears to be to prove that the Bank was unfriendly to his own election, and he endeavors to trace this opposition to him and his measures.

1st. In the application to Congress for a renewal of the Charter.

2d. In the extension of the loans of the Bank in 1831 and 1832.

3d. In the claim for damages on the French Bill.

4th. In the circulation of documents vindicating the Bank from the imputations which had been cast upon it.

All these assertions it is proposed briefly to disprove.

1st. He first complains that the Bank applied to Congress for a decision in regard to its charter. He says "that there are strong reasons for believing that the motive of the Bank for asking for a re-charter at that session, was to make it a leading question in the election of a President of the United States the ensuing November, and all steps were deemed necessary to procure from the people a reversal of the President's decision;" and again—"the object avowed by many of the advocates of the Bank was to put the President to the test;" and moreover, "it was to compel the President to take his stand that the question was brought forward at that particular time." Now the fact is that so far from prematurely hastening a discussion on the part of the Bank, it was he himself who brought this very question before Congress and rendered its discussion inevitable. Thus,

In his Message of December 8, 1829, he said,

"The Charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people."

In his Message of December 11th, 1830, he says,

"The importance of the principles involved in the inquiry whether it be proper to re-charter the Bank of the United States, requires that I should again call the attention of Congress to the subject."

In his Message of December 6, 1831, he says,

"Entertaining the opinions heretofore expressed in relation to the Bank of the United States, as at present organized, I felt it my duty in my former Messages frankly to disclose them, in order that the attention of the legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the Constitution, and subserve the public interest. Having thus conscientiously discharged a constitutional question, I deem it proper on this occasion, without a more particular reference to the views of the subject then expressed, to leave it at present to the investigation of an enlightened people and their representatives."

It was under these distinct and repeated invitations by the President himself, that the Bank felt itself obliged not to decline his call upon Congress, and accordingly the subject was brought before that body.

Both Houses of Congress passed the bill renewing the charter. This result was unexpected to him, and although he had declared in the Message just quoted, that he meant to "leave it at present to the investigation of an enlightened people and their representatives"—yet the moment the enlightened people and their representatives differed from him in opinion, he treated them just as he has recently done the conscience of the Secretary of the Treasury. He refused his signature to the bill on the 14th of July, 1832, declaring that "had the executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed." As however no such call was made he concluded that "as the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected," &c. &c.

Here then the President begins in 1829, when the Bank had nearly seven years to run, by telling Congress that to avoid precipitancy he could not too soon present the subject of the re-charter to their consideration. The next year, when the Bank had nearly six years to run, he repeated to Congress that the importance of the subject of the re-charter required that he should again call the attention of Congress to it. The next year when the Bank had five years to run, he reiterated to Congress that he thought the attention of



Congress should be seasonably directed to this important subject—and then when Congress at his request proceeded to consider it and renewed the charter, he sent it back with a declaration, that as the charter had yet four years to run, there was no necessity for being in haste about it.

And now in the face of all these testimonials of his urging Congress, year after year, to decide the question, as they decided against him, he asserts that the Bank must have brought it before Congress to defeat his election.

His second proof is scarcely less extraordinary. He says that in order to carry the election against him “although the charter was approaching its termination, and the Bank was aware that it was the intention of the Government to use the public deposit as fast as it accrued in the payment of the public debt, yet did it extend its loans from January 1831, to May 1832, from \$12,402,304 24 to \$70,428,070 72, being an increase of \$58,025,766 48 in sixteen months. It is confidently believed that the leading object of this immense extension of its loans was to bring as large a portion of the people as possible under its power and influence.”

The errors here are as follows:

1st. That the fact in regard to the increase of the Loans is mis-stated—and that the motives of them are wholly perverted.

The truth is, that the loans at the periods mentioned stood thus:

	January, 1831.	May, 1832.
Loans to Individuals	\$33,575,403 43	\$47,375,078 20
Loan to Government	8,674,681 06	
Domestic Bills	10,456,653 90	23,052,972 52
	\$52,706,738 39	\$70,428,050 72
		52,706,738 39
		\$17,721,312 33
Baring, Brs. & Co. Cr. 2,387,331 19	Dr. 1,878,122,29	

From this it is manifest that between those two periods the Bank had received from Government the reimbursement of \$8,674,681 06

It had drawn for its foreign funds	\$2,387,331 19
And drawn on its foreign correspondents for an additional sum of	1,878,122 29
Making a total of	4,265,453 48

Thus furnishing additional means of discounting to the amount of	\$12,940,134 54
Yet its actual loans—its actual discounts were increased only	5,124,893 71

The Domestic Bills of Exchange purchased for the transferring of the funds of the Government or of individuals, make a separate and independent business, dependant on the demand for the interior commerce of the country. But taking the increase of those bills into consideration, it will be seen that the increase of loans is \$5,124,893 71

And the increase of Bills of Exchange	12,596,318 62
Making a total increase of	\$17,721,212 33

instead of 23 millions as asserted by the signer of the paper. That is to say, in the year 1831, there being a most active foreign and interior trade, requiring unusual facilities for its operations, the Bank having received from the Government the reimbursement of its loan to Government, amounting to more than eight millions; and having called in its funds in Europe, and employed its credit there to the amount of four millions,

possessing thus additional means of loaning, to the amount of nearly thirteen millions, actually increased its loans to the amount of seventeen millions, making in fact a mere increase of its investments not equal to five millions, of which increase the new Branch Bank of Natchez, established within that period, alone contributed nearly three millions.

There are several circumstances which make this mis-statement peculiarly improper. He reproaches the Bank with this increase, although “the Bank was aware of the intention of the Government to use the public deposit as fast as it accrued, in the payment of the public debt.” Now the fact is, that this public deposit was used as we have just seen, in paying off the public debt owned by the Bank itself—so that instead of increasing its loans in such a way as to interfere with the payment of the public debt to others, this very public debt was actually paid to the Bank itself, and furnished the very means of increasing the loans.

What makes it still worse is, that this very public debt was in fact paid to the Bank on the solicitation of the Treasury itself, before the Bank was bound to receive it. On the 29th day of September, 1831, the Secretary wrote to the President of the Bank:

“The offer made by you this day, on behalf of the Bank of the United States, for the immediate reimbursement at par of the following stocks received by that institution is accepted, viz:

91,188 92 of 4½ per cents of 26th May, 1824.  
3,260,475 99 of 4½ per cents of 24th May, 1824.

\$3,351,664 91

“The department fully appreciates the disposition which the Board of Directors have manifested by this arrangement, to co-operate in the accomplishment of its desire for the discharge of the public debt as early as the means of the Treasury will permit.”

It has been thus seen, first, that the actual amount of increased investment was less by ten millions than is here asserted—second, that the public debt which the Bank is charged with not preparing to pay, was actually paid to the Bank itself, and not merely paid to the Bank, but paid before it was due, in order to accommodate the Government. In regard to this increase, too, the points of comparison are wholly fallacious. From the nature of the business of the country, the loans are necessarily larger in May than January, because the southern crop, with all its business, enlarges the Spring operations of the Bank—and no more just result can be had by comparing May and January, than by comparing the thermometers of the two seasons. The true comparisons must be between January and January, or between May and May. Now the fact is, that the increase from May to May of the successive years is comparatively small. The loans at these successive periods were as follows:

	To Individuals.	To Government.	Total
May, 1827	33,118,707 46	17,764,359 05	50,883,066 51
“ 1828	37,353,717 92	17,474,111 43	54,827,829 35
“ 1829	42,894,587 90	15,007,472 13	57,902,060 03
“ 1830	43,206,694 12	10,892,530 90	54,099,225 02
“ 1831	53,582,067 75	5,674,681 06	59,256,748 81
“ 1832	70,428,070 72	paid off.	70,428,070 72
“ 1833	64,519,900 73	“	64,519,900 73
Nov. 1833	57,210,604 38	“	57,210,604 38

From which it appears that this enlargement was gradual—that it occurred when the wants of the country required the aid of this expansive power, so valuable in the Institution, and that the increase has subsided when no longer required.

Supposing all this, however, to have been exactly as it has been stated, that is, supposing this increase of



loans to have been twenty eight millions, what does it prove? Why that the Bank enlarged its business to meet the commercial wants of the country, and when those wants were supplied, the business of the Bank of course subsided. But the President can ascribe this increase to no other cause than his own election. Accordingly, he says that the Bank, in January, 1831, began to prepare for his election, which was to take place nearly two years afterwards, by lending 28 millions. It is somewhat hostile to this theory, that this whole increase had reached its height in May, 1832. Now, in December, 1831, the Secretary of the Treasury, with the full approbation of the President, had spoken in the most favorable terms of the Bank, and he did not sign his veto message against it until July, 1832, up to which period, it was doubtful whether he would veto it, and of course it was unknown whether the Bank would have the least reason to be opposed to his election—and these whole 28 millions might have been uselessly lavished: so that the Bank increased its loans while it had no interest in his election, and did not increase them when he supposes it had. Truly this mode of “bringing as large a portion of the people under its power and influence,” seems singularly ill-timed.

3d. In recurrence to his own election, he next proceeds to declare that “whatever may be the opinion of others, the President considers his re-election as a decision of the people against the Bank.” Now, it is difficult for any one to believe this, since it is notorious that many of the most decided friends of the Bank were his zealous supporters. Thus Pennsylvania was the most efficient of them all; yet that same Pennsylvania, with extraordinary unanimity, in February, 1831, passed the following resolution:

“That the Constitution of the United States authorizes, and near half a century’s experience sanctions, a Bank of the United States, as necessary and proper to regulate the value of money, and prevent paper currency of unequal and depreciated value.”

And again, with equal unanimity in February, 1832, the following:

“That the Senators from this State in the Congress of the United States be instructed, and the Representatives requested; to use their exertions to obtain a renewal of the charter of the Bank of the United States during the present session of Congress, with such alterations (if any be necessary) as may secure the rights of the States.”

Such a belief, moreover, is opposed by his own declaration in the Veto Message, that “a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and I doubt not, bring this question to a satisfactory result.”

Now, that Congress to which he referred the decision of the question had not yet assembled. In some parts of the country, the members had not been even elected at the time of signing this manifesto; and yet, he now asserts, that he “considers it as conclusively settled that the charter of the Bank of the United States will not be renewed, and he has no reasonable ground to believe that any substitute will be established. Being bound to regulate his course by the laws as they exist, and not to anticipate the interference of the Legislative power for the purpose of framing new systems, it is proper for him seasonably to consider the means by which the services rendered by the Bank of the United States, are to be performed after its charter shall expire.” This seems to involve an inconsistency. There was a Congress about to meet in ninety days, to which very Congress he had referred the question of the Bank. There was a new Congress to meet in December, 1835, before the expiration of the charter. Yet does he now declare that, since the people elected him and he was opposed to the Bank, he revokes all he said about the

Congress of 1835, disregards the Congress of 1835, and chooses to consider it settled without any “interference of the Legislative power.”

The next head of complaint is the postponement of a portion of the three per cents. by the Government in April, 1832; and of another portion by the Bank in December, 1832. Now, it is very remarkable that both these subjects were fully examined—the first by the Committee of Investigation of 1832, and the second by the Committee of Ways and Means of 1833—and both reports are in decided contradiction to the assertions of the President. For instance, he complains of the first postponement, which he imputes to the Bank, whereas the Committee of Investigation themselves declare, “they are fully of opinion that the Bank neither sought for nor requested a postponement of the payment by the Government.” He complains of the second postponement, yet the Committee of Ways and Means report, that the nominal postponement had, in fact, closed the payment sooner than if no postponement had been made; and that “this question seems no longer to present any important or practical object of inquiry, or to call for or admit of any action of Congress upon it.”

This would seem to be perfectly satisfactory; yet, lest the revival of these charges may mislead the unsuspecting, it may be well to refute them again, as they have been often refuted before; and the first of the postponement in October. He says of it.

“Conscious that at the end of that quarter the Bank would not be able to pay over the deposits, and that further indulgence was not to be expected of the Government, an agent was despatched to England secretly, to negotiate with the holders of the public debt in Europe, and induce them by the offer of an equal or higher interest than that paid by the Government, to hold back their claims for one year, during which the Bank expected thus to retain the use of \$5,000,000 of public money, which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the Bank; and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government, then and not before so much of it as was palpably in violation of the charter was disavowed!”

If there be any one matter in regard to which the Bank is more beneficial than any other matter, it is precisely this agency in paying off the public debt; and if there be any cases in the course of that agency more useful than any other cases, they are precisely these two cases which are here made the subjects of reproach.

The whole collection of the revenue is based on the system, that funds are never accumulated in the Treasury for a long period, but are principally lent out to the community, and only called for as they are needed for the public service. Whenever, therefore, large payments are made by the Government, as it is necessary to withdraw from the use of the community considerable sums, this process requires some delicacy in recalling from distant parts of the United States as much as may answer the immediate exigency, yet not enough to press disadvantageously on the community. This is the especial function of the Bank. How well it has succeeded may be inferred from the testimonials of the successive secretaries of the Treasury. Thus, Mr. Rush, in his Treasury Report of the 13th of December, 1828, says:

“In this manner, heavy payments of the debt are in effect, made gradually, instead of the whole mass being thrown at once upon the money market, which might produce injurious shocks. So prudently in this and other respects does the Bank aid the operation of paying off the debt, that the community hardly has a consciousness that it is going on.”



And Mr. Ingham, in like manner, on the 11th of July, 1829, says:

"I take the occasion to express the great satisfaction of the Treasury Department at the manner in which the President and Directors of the parent Bank have discharged their trusts in all their immediate relations to the Government, so far as their transactions have come under my notice, and especially in the facilities afforded in transferring the funds of the Government, and in the preparation for the heavy payment of the public debt, on the first instant, which has been effected by means of the prudent arrangements of your Board, at a time of severe depression on all the productive employments of the country, without causing any sensible additions to the pressure, or even visible effect upon the ordinary operations of the State Banks."

Finally, the President himself, in his Message to Congress of December, 1829, says:

"It was apprehended that the withdrawal of so large a sum from the Banks in which it was deposited, at a time of unusual pressure on the money market, might cause much injury to the interests dependant on Bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States."

It had thus become the habitual policy of the Bank at the approach of any large payment, to begin its preparations for a long period in advance, so as to collect its resources gradually, and to distribute its disbursements over as wide a sphere as possible.

In the year 1832, the country was heavily indebted to Europe for the large importations of the year 1831; and it was particularly desirable to give to the community leisure to pay that debt out of their annual earnings, and to prevent any addition to the foreign demand in 1832. Now there were more than twenty-five millions and a half of the principal and interest of that debt payable in the year 1832—from Dec. 31, 1831, to Jan. 1, 1833—of which more than fifteen millions were to be paid in nine months, and between eight and nine of it to foreigners. The Bank was fully prepared to make the first payment on the 1st of October, 1832.

The State Banks of Philadelphia, New York, and Boston, owed to this Bank,	\$2,280,000
Its specie at these places alone was	3,200,000
Its funds in Europe were	2,982,000

Making of cash in hand, or its equivalents,	\$8,462,000
With an open credit in Europe, on which to draw, for	2,500,000

Besides not less than twenty millions of debts, to be used for this purpose—while the whole public debt to be paid on the first of October, was \$8,634,988 37.

In this state, the Bank, had it considered only its own interest, would have been perfectly passive, since it was perfectly at ease. But it had other and higher interests to consult. From the communication with the Treasury in July, it was probable that the funds of the Government might be insufficient to pay the debt advertised to be paid—and that even if these funds were adequate, the operation would exhaust all the means of the Government, and require that the community should repay the whole amount of the public funds distributed among them. It was further manifest that the ability of the Government to meet its engagements, depended entirely on the punctual payment of the revenue in the commercial cities, from July to January, which was estimated at about twelve millions of dollars.

That resource was threatened with the greatest danger by the appearance of the Cholera, which had already begun its ravages in New York and Philadelphia, with every indication of pervading the whole country. Had it continued as it began, and all the appearances in July warranted the belief of its continuance, there

can be no doubt it would have prostrated all commercial credit, and seriously endangered the public revenue, as in New York and Philadelphia alone, the demand on account of the foreign three per cents was about five millions.

The Bank, therefore, made an arrangement with the foreign owners of this stock, to the amount of \$4,175,373 92 to leave their money in the country for another year, the Bank assuming to pay the interest instead of the Government. Having settled this, the Bank resumed its usual facilities of business to the community. Of the whole four millions postponed, the interest on them has ceased, and at this moment the only certificates not yet actually returned, are those in the name of two persons, amounting to \$42,375 94, and it is remarkable, that while of the whole amount of \$4,175,373 92 purchased and postponed, there remain unpaid only two owners, holding \$42,375 94; the amount of the unpostponed threes still outstanding is five or ten times as much. So that in fact, as was anticipated in the report of the Committee of Ways and Means, the postponement has actually hastened its payment.

All these things were fully explained by the Committee of Ways and Means, to whom that part of the President's message was referred, and that Committee accordingly reported as follows:—

"The arrangement made by the Bank for a temporary postponement, with the consent of the holders of the payment of five millions of the three per cent. debt, being now substantially closed by the surrender to the Government, of the certificates of stock, except for a small amount, and the whole debt itself, as far as respects the Government, at an earlier period than it is probable it would otherwise have been, this question seems no longer to present any important or practical object of inquiry, or to call for, or admit any action of Congress upon it."

This ought to be satisfactory, yet is the subject now revived with the addition of two distinct errors in point of fact. The first is that the Bank "was conscious that at the end of the quarter it would not be able to pay over the deposits"—whereas the state of the Bank, as above explained, proved its entire ability to make this payment, and that its interposition was exclusively dictated by the desire to avert an additional trouble at a season of pestilence. The second is, that the part of the arrangement made with the agent of the Bank was not disavowed until "some incidents connected with this secret negotiation, accidentally came to the knowledge of the public and the Government." The fact is, that as soon as that part of the arrangement which seemed to conflict with the charter, was received, the determination was made to decline executing it before any publication of any sort was seen or known in regard to it.

The evidence of this is so clear and so short, that it deserves to be cited as an example of the general inaccuracy of this manifesto. The Committee of Exchange, in their report to Congress of January 29, 1833, declare as follows:

"But when the contract itself reached the Bank, on the 12th of October, and it appeared from the communication of Messrs. Baring, Brothers & Co., that the stock was to be purchased on account of the Bank, they were immediately instructed, on the 15th of October, that the Bank had no authority to become owners of the stock," &c. &c.

When two of the members of that Committee were examined on oath before the Committee of Ways and Means, they confirmed the statement as follows:

Question. Had the President or Exchange Committee, any intention to disavow General Cadwalader's authority to make the contract he did, until after the appearance in the New York papers of the 11th or 12th October last, of the circular of the Barings to the foreign holders of the U. S. 3 per cent. stocks, announcing to them, that they had the authority of the Bank to



purchase or negotiate a postponement of the stocks held by them.

Answer of Mr. Manuel Eyre. I can say yes positively. I recollect it perfectly well. When I first read this letter, I said it was not proper, and disavowed it.

Answer of Mr. Matthew L. Bevan. I never did see myself, the notice referred to in the New York papers, but well recollect the moment the letter was received giving information of the proceedings in relation to that negotiation, the President of the Bank, with the approbation of the Exchange Committee, immediately wrote, disavowing the nature of that arrangement, it having been made under a misapprehension.

The complaint in regard to the postponement by the Government in April, 1832, is of the same character. He says, that "after this negotiation had commenced, the Secretary of the Treasury informed the Bank that it was his intention to pay off one-half of the three per cents on the first of the succeeding July, which amounted to about \$6,500,000. The President of the Bank, although the Committee of Investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing that the Bank was desirous of accommodating the importing merchants at New York, (which it failed to do) and undertaking to pay the interest itself, procured the consent of the Secretary, after consultation with the President, to postpone the payment until the succeeding first of October."

The impression here intended to be conveyed is, that the President of the Bank, in order to relieve the Institution from a demand which it could not sustain, asked an indulgence which was conceded by the Government. Now the truth is, that the Government wished to make the postponement, but could not do it without the aid of the Bank. Mr. M'Duffie, Chairman of the Committee of Ways and Means, and Mr. Cambreleng, Chairman of the Committee of Commerce, who were then members of the Committee of Investigation at Philadelphia, wrote letters to the Secretary of the Treasury dissuading the Government from making the payment. The only difficulty in doing it was, that the Commissioners of the Sinking Fund had no authority to postpone the payment, as they would be obliged to pay the quarter's interest during the three month's delay—and this difficulty was removed by the President of the Bank, who agreed to pay the interest as the money would remain in the hands of the Bank. The letters just mentioned were accordingly submitted to the President, who never saw the Secretary of the Treasury on the subject, as that gentleman was sick, and who himself decided on the postponement after seeing the recommendation of Mr. M'Duffie and Mr. Cambreleng. Much stress is also laid on the visit of the President of the Bank to Washington, while the Committee of Investigation were in Philadelphia. The truth was, the letter of the acting Secretary was received so immediately before the period fixed for issuing the notice of payment, that if any thing were to be done at all, it was to be done only by personal communication with the Secretary, as there was no time for correspondence. The gentlemen of the Committee were aware of his going, and two of its members wrote letters to promote his object. Besides, his leaving the Committee of Investigation in full possession of the Bank and all its papers, so far from being a subject of reproach or suspicion, is the surest mark of his entire reliance that there was nothing in the concerns of the Bank which they might not examine at leisure during his absence, and was the best proof of his confidence in them as well as himself. The whole subject was before the Committee of Investigation of 1832, and that Committee acknowledged, as will be seen from the following extract from their report, that this postponement was not the work of the Bank. The Committee say—

"They made a call upon the President of the Bank for the correspondence in relation to the postponement

of that payment, in the following words: "Will you please give a copy of the correspondence connected with your application in March last, requesting a suspension by the Government of the payment of a portion of its debt intended to have been made on the first of July next, or a statement of the arrangement made in relation to that subject." Which correspondence was communicated by the President of the Bank with the following remarks.

"I have made no application to the Government, nor have I requested any suspension of the payment of any portion of the public debt.

"The inquiry, I suppose, relates to this circumstance; 'I received a letter from the acting Secretary of the Treasury, dated the 24th March, 1832, informing me that Government was about to issue a notice on the first of April, of their intention to pay, on the first of July next, one-half of the three per cent. stock, and to do it by paying to each stockholder one-half of the amount of his certificate.'" He added,

"If any objection occurs to you either as to the amount or mode of payment, I will thank you to suggest it."

"I have invited by the Government in a communication marked 'confidential,' to give my opinions on a measure contemplated by the Government, I felt it my duty to express my views of its probable operation: in my reply therefore, dated 29th of March, I stated 'that so far as the Bank is concerned, no objection occurs to me, it being sufficient that the Government has the necessary amount of funds in the Bank to make the contemplated payments.' I then proceeded to observe, that in the present situation of the commercial community, and with a very large amount of revenue, (amounting to nine millions,) to be paid before the 1st of July, the debtors of the Government would require all the forbearance and all the aid that could be given them; and that the payment proposed, by creating a demand for the remittance of several millions of dollars to European stockholders, would tend to diminish the usual facilities afforded to the debtors of the Government, and might endanger the punctual payment of the revenue. For this reason I thought it for the interest of the Government, to postpone the payment till the next quarter. I further stated, that the plan of paying to each stockholder only one-half of his loan, would not be so acceptable as if his whole loan were re-paid at once.

"Having thus performed my duty in giving the opinion asked, I left it, of course, to the Government to decide. On the part of the Bank, I sought nothing, I requested nothing. After weighing the circumstances, the Government were desirous of adopting the measure, but the difficulty I understood to be this, that the sinking fund would lose the quarter's interest, from July to October, of the sum intended to be paid in July; and that the Government did not feel itself justified in making the postponement unless that interest could be saved, but that it would be made, provided the Bank would make the sinking fund whole on the 1st of October. To this I said, that as the Bank would have the use of the fund, during the three months, it would consent to save the sinking fund harmless, by paying the three months interest itself; as the matter stands.

"Now, it will be seen, that the Bank, in all this, has had not the least agency, except to offer its opinion, when it was asked, in regard to a measure proposed by the Government; and then to offer its aid in carrying that measure into operation." "The Committee are fully of opinion that though the Bank neither 'sought' for, nor 'requested' a postponement of the payment by the Government, as stated in the declaration of the President, yet if such postponement had not been made, the Bank would not, on the 1st of July, have possessed the ability to have met the demand, without causing a scene of great distress in the commercial community."

(Remainder next week.)



# HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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## CANAL COMMISSIONERS' REPORT.

(Concluded from page 390.)

### *Columbia Railway.*

The Columbia railway is eighty-two miles long. It was commenced in 1828, but owing to a want of appropriations, and various causes over which the Canal Commissioners had no control, the completion of it has been unreasonably delayed. They are now, however, enabled to inform the Legislature, that a single track over the whole road, and the second track on twenty-two miles of the eastern end of it, will be laid and ready for use by the first day of January, 1834, unless they are disappointed in receiving a quantity of iron that has been shipped in England, and is daily expected at Philadelphia.

The jurisdiction of the superintendent who had charge of the eastern end of the road, was, within the last year, extended over the whole line; and as the engineer by whom the road was located, and under whose directions the construction of it had progressed until the date of the last report, has since then died, another engineer has been appointed, who took charge of the road on the first day of last March.

On the sixteenth of February, 1833, the act passed appropriating one million one hundred and eleven thousand nine hundred and fifty-eight dollars and seventy-eight cents, for prosecuting the work. Directions were immediately given by the Board, to the superintendent of the road, to enter into a contract or contracts for procuring iron, and on the fourteenth of March, orders were transmitted to England for rails, chairs, bolts and wedges for one track; and soon afterwards, orders were forwarded for iron for the second track on the sixty miles. To ensure its completion according to the patterns furnished, and of the quality required, and also to hasten its delivery, a special agent was sent to England by the Board, to inspect the iron when manufactured, previous to shipment. Before contracts could be made in England, the manufacturers of iron in that country had received very large orders, which rendered it impossible to get more iron prepared and shipped during the present season, than is sufficient for one track. The iron for the second track is now manufacturing, and will be delivered early next spring. If orders could have been transmitted for the iron in the beginning of last winter, the whole of it might have been received during the present season, and about twenty-four thousand dollars saved in its cost, as the price of iron in England had advanced, before the orders of the spring arrived.

The second track on the eastern twenty-two miles of the road was completed, and the connection between the West Chester railway and Philadelphia, established last winter, except the large viaduct and road bridge over the Schuylkill at Peters' Island; which work has been delayed beyond the expectations of the Board, notwithstanding every effort has been used to urge it forward by the officers on the line, and a special inspector who was employed to superintend its construction. It is, however, at this time in such a state of forwardness, that it will be ready for the rails by the middle of next December.

The grading and mechanical work belonging to the road bed formation, on the other sixty miles, including the great viaducts over Valley creek and West Brandywine, the deep cut at the gap, and the side road through the city of Lancaster, are so nearly finished, that in all the month of December next, rails may be laid upon the whole road.

The "deep cut," through a gap of the Mine ridge between Lancaster and Chester counties, has proved the most difficult job that has ever been undertaken on the public works of the State; for in all other cases, skill and labor, time and perseverance, have vanquished the most formidable obstacles; but the deep cut, (which was originally designed to be about half a mile long, and thirty seven feet deep, at the highest point, diminishing to common cutting at the ends,) has bid defiance to the skill of the engineer, and the laborious exertions of several contractors. After opening the ground a few feet from the surface, a quicksand of the worst kind was encountered, that would have required at least two years to remove, at an unknown expenditure, but probably not less than two hundred thousand dollars.

The railway was graded up for several miles on each side of the gap, at the maximum of thirty feet rise to the mile. It was, therefore, with extreme reluctance, after a protracted effort to remove the quicksand had failed, that the grade of the road was raised for three-fourths of a mile on each side of the summit, at the rate of forty-five feet per mile. The work is now progressing rapidly. The rails through the deep cut will rest upon firm piles driven through the quicksand.

Steam engines are preparing for the two inclined planes. The one for the Columbia plane is nearly finished, and is estimated at forty horse power; and the one at the Schuylkill plane, of sixty horse power, is now setting up. The engine houses have each been constructed for receiving a second engine, whenever the trade may require it. It is computed that nineteen hundred and twenty tons may be passed over each of the planes, in a day of twelve hours.

In the report of the Canal Commissioners of November first, 1832, they say, that "with a view to hasten the completion of a line between Philadelphia, the Susquehanna, and the West, it is contemplated to lay one track, from the western termination of the twenty-two miles to Columbia, upon wooden sills." The act of the 16th of February, 1833, making a further appropriation of one million, one hundred and eleven thousand, nine hundred and fifty-eight dollars and seventy-eight cents, towards completing the Columbia railway, requires iron edge rails to be used. This sum is one hundred and twenty-six thousand, four hundred and fifty-six dollars and sixty-three cents less than the estimate of Major Wilson, for finishing the road with one track, laid with flat bars on wooden rails; and it is four hundred and thirty-four thousand, three hundred and sixty-one dollars and thirty-two cents less than his estimate, if both tracks should be laid with iron edge rails.

By the estimate of Mr. Gay, the present engineer, and the report of the superintendent, it appears that a further appropriation of eight hundred and four thousand, eight hundred and ninety-five dollars and fifty-eight cents, will be required to complete the road for



Locomotive engines alone; or eight hundred and eighty-nine thousand, eight hundred and ninety-five dollars and fifty-eight cents, if the road is prepared for using horses. Hence the estimate of the present year, (if locomotive engines are alone used on the road,) will exceed that of last year by the sum of three hundred and seventy thousand, five hundred and thirty-four dollars and twenty-six cents.

This large excess is accounted for,

1st. By greater strength and solidity given to the whole work, and especially to the large viaducts.

2d. By the difference in the weight of the rails.

3d. By locomotive engines, water stations, and other things estimated by Mr. Gay, that do not appear in the estimate of Major Wilson.

4th. By an almost total failure in procuring stone blocks in the lime stone valleys through which the road passes. And having to haul two thousand three hundred tons of stone blocks from the sand stone hills, a distance of from 12 to twenty miles to the road. This circumstance alone caused two-thirds of the contractors to abandon their jobs.

5th. By an unusual number of re-lettings at higher prices.

6th. By the unforeseen difficulties of the deep cut at the gap at Henderson's.

7th. By the enhanced price of iron in England.

8th. By the connection of the rail road with the Columbia bridge, required by a resolution of the Legislature of the 26th March, 1833, and other work not contemplated at the previous estimate.

The *Wiggan rail*, weighing forty-one and a fourth pounds per yard, has been adopted for both tracks of the sixty miles now in progress. It is calculated for carrying locomotive engines weighing six tons. Locomotive engines may run from Philadelphia to Columbia on the first track, in the month of January next, if the iron arrives which is expected. And the second track can be finished by the first of September, 1834.

A survey and estimate have been made, and arrangements are making, in obedience to the resolution of the Legislature of the 26th March, 1833, for placing under contract the work for connecting the Columbia rail way with the tracks to be laid upon the Columbia bridge.

*Statement of the funds appropriated to the Columbia Railway.*

Amount available of appropriations of 1831 and 1832,	\$1,238,431 14
Pro rata deduction under act eleventh June, 1832, refunded,	51,710 44
Appropriation of the 16th February, 1833,	1,111,958 78
	<hr/>
Disbursed in 1831,	210,704 23
do. 1832,	764,887 49
do. 1833, Mitchell,	664,539 70
do. do. Barber,	60,667 57
	<hr/>
	1,700,798 99
	<hr/>
Balance on hand, October thirty-one, 1833,	\$701,301 37
	<hr/>
Due for per centage retained,	50,004 95
Estimate of work required to complete both tracks,	1,450,542
Cost of connecting with the Columbia bridge,	5,650
	<hr/>
	1,506,196 95
Deduct above balance	701,301 37
	<hr/>
	\$804,895 58

To which must be added \$85,000 for horse paths, if horses are to be used, or if locomotive engines are used there must be added

51,000

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\$855,895 58

Whole amount disbursed

prior to 1831, 337,863 04

Amount disbursed as

above stated, 1,700,798 99

Per centage due and

work to be done, 1,506,146 95

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3,544,808 98

For locomotive engines, 51,000

Cost when completed for locomotive engines,

\$3,595,808 98

Length including the side road through Lancaster, 82 miles.

*Portage Railway.*

The Portage rail road over the Allegheny Mountain, is thirty six miles and two hundred and eight perches long, but between the extreme points of navigation is only thirty-six miles, and it overcomes a rise and fall of two thousand five hundred and seventy feet in that distance. The work upon this road has within the past year progressed very well, the grading and masonry are completed. A single track of rails along the whole road and a double track on the inclined planes (making together forty-four miles and three hundred and fourteen perches,) are almost finished.

Ten steam engines have been constructed, and are putting up at the ten inclined planes, four of them are estimated at thirty horse power, and the other six at thirty-five horse power each. They are made on the high pressure principle, and may, if the trade require it, be worked up to forty, fifty, or sixty horse power with safety; lest, however, accidents and consequent delays should occur, it is intended when the second track of rails is laid, to put up a second engine at each of the planes.

As a precautionary measure, two extra ropes have been procured. The ropes are what are called "white ropes," made of Russian and Italian hemp, from six and one-fourth to seven inches in circumference. The aggregate length of the twelve ropes is eleven miles and seven hundred and seventy-eight yards. Their whole weight is one hundred and eighteen thousand, six hundred and forty-nine pounds, and they cost from fourteen to eighteen cents per pound; or altogether when delivered at Hollidaysburg, twenty thousand five hundred and thirty-one dollars and five cents. It is calculated that the engines and ropes when working at an ordinary rate will take a train of cars up the planes, at the speed of four miles an hour; and at the same time a train can descend the plane.

The completion of the rail road has been retarded by delays in the importation of iron, two thousand one hundred and ninety-three tons of malleable iron rails, and one hundred and twenty-three thousand, six hundred chairs of cast iron were required for a double track on the inclined planes; and a single track throughout the rest of the road. About two-thirds of the chairs were manufactured in our own state; and the residue of the iron was obtained in England. Of seven ships that were freighted with iron in 1832, but two arrived in a reasonable time. One ship was lost altogether, and one was six months at sea. The insurers had to pay about fifteen thousand dollars for iron that was lost, and twenty-two thousand and thirty-seven chairs that arrived were condemned at a loss to the manufacturer. Hence orders had to be sent out last spring to England to supply the deficiency.



The iron obtained in England, cost	\$192,644 00
The castings made at home, cost	58,134 26
Whole cost of iron	\$250,778 26

	Miles.	Yards,	Miles.	Yards.
The length of road with edge rails on stone blocks is	13	1591½		
Ditto on timber, is	20	1120		
Plate rail on timber,			34	951½
			10	775
Length of a single track,			44	1726½

In the construction of the Portage rail road, a large amount of heavy work has been performed, deep excavations, large embankments, and very high and strong outside supporting walls, as well as numerous drains, culverts, and viaducts, all of solid masonry have been executed, of which work, the great viaduct of cut stone with a semi-circular arch of eighty feet span over the Little Conemaugh at the horse shoe bend, and the tunnel of nine hundred feet long through a spur of the mountain, will demand and must receive, from the public unqualified admiration for the boldness of their design, and the strength and beauty of their execution.

It is believed to be unnecessary to adduce arguments for proving the utility and necessity of a second track of rails on this road, to accommodate the incalculable amount of trade that will pass between the basin of the Mississippi valley, and the sea board within a few years after the public works of the state are finished; should the legislature invest the Canal Commissioners with power to enter into contracts for iron, the second track of the rail way may be completed over the mountain in three months after the iron is delivered.

#### *Statement of the Funds appropriated to the Portage Railway.*

Amount available of the appropriations of 1831 and 1832	\$760,418 60
Pro rata deduction under act eleventh June, 1832, refunded	39,581 40
Appropriation of the sixteenth February, 1833	414,793 06
	\$1,214,793 06
Disbursed in 1831	\$71,146 64
1832	401,335 72
1833	568,639 19
	\$1,041,121 55
Balance on hand 31st October, 1833	173,671 51

The estimated cost of work to be done to complete the first track including the incidental expenses and retained per centage	\$213,940 01
Deduct the above balance	173,671 51

Amount required to complete first track 40,268 50

The whole amount paid, is	1,041,121 55
Per centage retained and work to be done	213,940 01

Whole cost of single track is \$1,255,061 56

which includes a double track on the inclined planes making altogether forty-five miles of single track.

Length of Portage railway, is thirty-six miles and two hundred and twenty-one perches.

The estimated cost of completing the second track, is \$325,577 85

Amount required to complete the first track 40,268 50

Amount required to complete the Portage railway \$365,846 35

#### *Use of the Railways.*

A very important question for Legislative decision has arisen respecting the proper manner of using the rail roads when they are finished. And as their profitable use next spring demands an immediate determination of the mode by which transportation on them shall be conducted, the Board respectfully request the early attention of the Legislature to the subject, and submit the following methods for their consideration.

1. To establish the rail roads as public high ways, for the use of every person who may choose to employ either horses or locomotive engines.

2. To prohibit the use of locomotive engines altogether, and make the roads public high ways for the use of every person who will employ horses alone as the motive power.

3. To prohibit the use of horses altogether on such parts of the roads as can be advantageously traversed by locomotive engines, and make them public high ways for the use of every person who will employ locomotive engines alone as the motive power.

In either of the three preceding cases, in which the rail roads would be declared public high ways, the Commonwealth must maintain and employ the stationary steam engines and ropes at the inclined planes, or lease them for a term of years to individuals or companies.

4. To lease the roads and transportation to a company or companies for a term of years, binding them to preserve the roads and machinery in good order.

5. To lease the transportation alone to a company or companies, for a term of years, and the Commonwealth to maintain the roads and machinery in repair.

6. To lease the right of traction or motive power only, to a company or companies for a term of years, binding them to transport such cars with their freight as may be offered by individuals or companies, and the Commonwealth to maintain the roads and machinery in repair.

In either of the last three cases of leasing the roads, the transportation, or the traction, the stationary steam engines and ropes at the inclined planes may be maintained and employed by the Commonwealth, or they may be let out on leases for a term of years to individuals or companies.

7. The Commonwealth to furnish the traction or motive power, own the cars, and do all the transportation on the rail road.

8. The Commonwealth to furnish the traction or motive power only, and transport such cars with their freight, as may be offered by individuals or companies.

In the event of it being settled that the Commonwealth will furnish the motive power on the rail roads, it is still necessary for the Legislature to determine whether the Columbia rail way shall be finished for using horses on it, or for using locomotive engines, or for the use of both modes of conveyance.

For more comprehensive views of this subject, the Board respectfully refer to the reports of the superintendents and engineers on the two rail roads, accompanying this report.

Before quitting the subject of the rail roads of the State, the Board wish to call the attention of the Legislature to a necessity that exists for a law, with suitable penalties, to preserve those splendid monuments of the power, enterprise, and perseverance of Pennsylvania from destruction, similar to the law now in force for the protection of the canal.

#### *Beaver Division.*

The Beaver division of the Pennsylvania canal, commences on the Ohio river twenty eight miles below Pittsburg, and is located from the mouth of the "Big



Beaver creek," or rather river, up that stream and Shenango creek thirty miles and two hundred and forty perches, terminating in Mercer county. It has eight miles and one hundred perches of canal, and twenty-two miles and one hundred and forty perches of slackwater, made by seven dams. There will be eighteen lift and guard locks on this line, which, for size and quality of stone, and for solidity and beauty of masonry, are not surpassed by any locks that the Board have ever seen.

This line has progressed steadily since the appropriation of the sixteenth of February last, and it is expected that, from New Castle to Beaver, the canal will be ready for navigation before the setting in of winter.

By the act of the twenty-seventh March, 1833, the Canal Commissioners were required to have a towing path constructed along the pool of the dam in Shenango creek, six miles of which were put under contract, and the grubbing on it has been done: but for want of funds, this towing path, and the dam in the Shenango, and also a guard lock at New Castle and all the lock houses had to be suspended.

The additional appropriation required to complete the Beaver division, arises from the Shenango towing-path, the guard lock at New Castle, and other indispensable work on the line not embraced in last year's estimate; also from an increased expense in removing quicksands and hill slips, and in repairing damages done by a flood in September last, which seriously injured two dams, and partially injured some other works, which, at the time, were in an unfinished and unprotected condition.

The suspended work can all be completed during the next season.

*Statement of the Funds appropriated to the Beaver Division.*

Amount available of appropriations of 1831 and 1832	\$222,421 26
Pro rata deduction under act of 11th June, 1832, refunded	4,660 39
Appropriation of the 16th February, 1833	197,159 97
	<hr/>
Disbursed in 1831	39,926 66
Do. in 1832	177,617 95
Do. in 1833	147,519 10
	<hr/>
	\$424,241 62
	<hr/>
Balance on the 31st October, 1833	\$59,177 91
	<hr/>
There is due upon this division, for per centage retained on work done	19,149 86
Est'd cost of work to be done, is	97,069 41
	<hr/>
	116,219 27
Deduct the above balance of	59,177 91
	<hr/>
Amount required to complete the division, including the Shenango towing path	\$57,041 36
	<hr/>
The whole amount paid upon this division, is	365,063 71
Per centage retained, and work to be done, is	116,219 27
	<hr/>
Whole cost, when completed	\$481,282 98

The length of the division, including the Shenango towing path, is thirty miles and two hundred and forty perches.

*French Creek Division.*

The French Creek division has been prosecuted with spirit, since the appropriation of last spring enabled the contractors to proceed with their work, and twenty-two and a fourth miles of it are nearly ready

for navigation. This division of the public improvements, commences on the Allegheny river, near the borough of Franklin, ninety-three miles above the mouth of the Kiskiminetas, or main line of the Pennsylvania canal; and it is carried up French Creek twenty-two and a fourth miles, to the "feeder," from whence the feeder forms the continuation of the canal, up which the right branch proceeds eleven miles, and the left branch down the feeder twelve and a half miles, to Conneaut lake. The whole division is forty-five miles and two hundred and sixty-four perches long, of which about twenty-seven and a fourth miles is canal, and eighteen and a half miles is slackwater; and, with the Conneaut lake, will give about fifty miles of navigation. There are twelve dams, and eighteen lift and guard-locks, on the line.

The last year's appropriation to this division is exhausted; and a dam near the head of the feeder, a towing path along the pool of the dam, and many other jobs of work on the division, have been suspended until another season, for want of funds.

The increased expense of the line over the last year's estimate, is owing to an inadvertent omission in providing for contingent expenses; to several new works having been added; to damages done by a flood in September last, and other unforeseen difficulties in construction; to additional strength given to the work; and above all, to re-lettings, by which a large amount of work advanced in price forty per cent. over the contract prices of last year.

The main stem of the division will be navigable next spring; and the suspended work may be completed, and the feeder also put in good order for navigation, by the first of September, 1834.

*Statement of the Funds appropriated to the Franklin line and North and West ends of the feeder*

Amount available of appropriations of 1831 and 1832	\$181,145 39
Pro rata deduction under act of eleventh June, 1832, refunded	4,022 92
Appropriation of the sixteenth February, 1833	162,991 98
	<hr/>
Disbursed in 1831	20,798 44
1832	88,906 84
1833	193,078 65
	<hr/>
	\$348,160 29
	<hr/>
Balance on hand October thirty-one, 1833	\$45,376 36
	<hr/>
There is due on this line for per centage retained	31,979 54
Estimated cost of completing the work	107,794 87
	<hr/>
	139,774 41
Deduct the above balance	45,376 36
	<hr/>
Amount required to complete the work	\$94,398 05
	<hr/>
The whole amount paid, is	302,783 93
Per centage retained and work to be done	139,774 41
	<hr/>
Whole cost of the Franklin line and north and west ends of feeder	\$442,558 34
	<hr/>
Length of the Franklin line is	Miles. Perches.
North and west ends of the feeder	22 80
	4 24
	<hr/>
	26 104

*Wyoming Line of the North Branch Division.*

At the date of the last report, it was expected that by this time we could announce the completion of this line, which with its feeder, is seventeen miles and two



hundred and thirteen perches long, with forty-three feet of lockage, but that expectation has been disappointed in consequence of a scarcity of labourers.

There are on this line, several sections requiring either deep excavation through rock, or heavy outside protection walls to be built, and consequently a large force was necessary on those jobs, that could not be obtained in that neighborhood. Much difficulty was experienced in sinking the pit and getting in the foundation of an outlet lock at the mouth of Solomon's creek, and the site of the feeder dam in the Lackawanna creek had to be changed, on account of a quicksand. These several obstacles are nearly surmounted, and it is believed that the canal will be ready for navigation early next spring.

*Statement of the Funds appropriated to the Wyoming Line.*

Amount available of appropriations for 1831 and 1832	\$167,136 76
Pro rata deduction under the act of eleventh June, 1832, refunded	2,553 63
Appropriation of the sixteenth of February, 1833	115,202 46
	<hr/>
	\$284,892 85
Disbursed in 1831	29,038 15
1832	106,357 66
1833	91,645 37
	<hr/>
	227,041 18
Balance on hand October thirty-one, 1833	\$57,851 67
	<hr/>
There is due, for retained per centage	12,488 16
Estimated cost of work to be done	62,705 09
	<hr/>
	75,193 25
Deduct the above balance	57,851 67
	<hr/>
Amount required to complete the line	\$17,341 58
	<hr/>
The whole amount paid, is	227,041 18
Amount required	75,193 25
	<hr/>
Whole cost when completed	\$302,234 43

Whole length of the line is seventeen miles and two hundred and thirteen perches.

*Lycoming Line of the West Branch Division.*

The West Branch division of the Pennsylvania canal, extends from the junction of the Susquehanna and North Branch divisions at Northumberland, seventy-two miles, to the base of the Allegheny mountain, and with the Lewisburg and Bald Eagle side cuts, will give seventy-six and one-fourth miles of navigation. The first twenty-four miles of the division are called the Muncy Line, and the upper forty-seven and a half miles, the Lycoming Line. Twenty-six and a half miles are navigable; forty-five and three-fourths miles (including the two side cuts) are under contract, and four miles of towing-path along the pool of the feeder dam, are not under contract.

*The Lewisburg side cut*, which is two hundred perches long, branches from the Muncy line six miles above Northumberland. It has a dam in the West Branch, two and a half feet high, and three lift locks, overcoming twenty-one feet of lockage. This short but useful inlet to the canal, is completed, except a small towing-path bridge and a lock-house.

*The Lycoming Line*, as originally planned in 1831, for the purpose of creating slackwater, was to have six dams in the river, embracing a large one at the head of the line located opposite the Great Island. Early in 1832, before any work was done at the dams, they were suspended, and an independent canal was substituted instead of slackwater; and subsequently, a feeder was located, to be taken from the river at Smith's ripples,

which was four miles and fifty-six perches long; but as another site for building a feeder dam presented itself, near Dunnstown, two miles and two hundred and sixteen perches below Smith's ripples, the question of a final location was left open for further examination, and only one and a half miles of the feeder, at its lower end, was put under contract.

Such was the situation of this part of the line, at the date of our last report: Further examinations were made last winter and spring, which resulted in a conviction, that the site for a feeder dam at Dunnstown was, in many respects, much more eligible than the one at Smith's ripples. At the latter place, the river is very narrow, and the dam would rest on a gravel bottom; both of which circumstances are decidedly objectionable: while at the former place, the river is wide, and a part of its bottom is solid rock. Another important consideration was, that the Dunnstown site would insure a better supply of water on the lower levels, by shortening the length of the feeder. The difficulties that had been experienced by the river trade, at the chutes of the Muncy, Shamokin, and Nanticoke dams, made the Board anxious to have the one at the feeder dam constructed in the best manner, which could be done with entire safety to the descending river trade on the smooth solid rock at Dunnstown, but could not be done with so much certainty on the gravel bottom at Smith's ripples. These reasons, of themselves sufficient to convince the Board of the superiority of the Dunnstown site for the dam, were still further strengthened by a comparative estimate of the engineer, which proved that twenty-seven thousand nine hundred and two dollars and forty-three cents, would be saved by its adoption.

The feeder dam is eight hundred and fifty-two feet long and eleven and a half feet high above low water mark. It is built of crib work, filled with stone, and has a base of seventy-eight feet, and fifty feet of graveling, thus making the entire base of the dam one hundred and twenty-eight feet. The chute is twelve hundred and eight feet long and thirty feet wide, constructed in the most substantial manner. The dam and chute will both be completed by the first day of next January.

The feeder dam affords slackwater to the vicinity of the bituminous coal region, where large preparations are now making for the transportation of that mineral upon the canal. It is estimated that thirty-three thousand nine hundred and eighty-one dollars, would be sufficient to construct a towing-path along the slackwater of this dam. This would add four miles to the navigation, and be greatly to the advantage of the coal trade. This sum of thirty-three thousand nine hundred and eighty-one dollars is not included in the estimate for completing the Lycoming line.

The engineer of the line was directed to make a survey and an estimate of the cost of connecting the Lycoming line with the Bald Eagle creek, at its mouth, and also to connect the creek and the canal above the Great Island. The latter connection was found to be the cheapest, and it possessed many advantages over the former, which induced the Board to adopt the present location and put the work under contract. It is nearly completed. This side cut commences in Centre county, by a dam four and a half feet high in the Bald Eagle creek, where there is also a guard lock, and it terminates in the pool of the feeder dam, by a lock of eight feet lift. It is three miles and two hundred and eight perches long, and will be an invaluable improvement.

There are fourteen guard and lift locks, overcoming ninety feet of lockage, between the pool of Muncy dam and the head of the Bald Eagle side cut, and seven aqueducts, the aggregate length of their trunks is one thousand and forty-two feet.

Although the country through which the Lycoming line passes, is generally favorable for the construction of the canal, yet there are many heavy and expensive jobs on the line, such as dams, chutes, aqueducts, deep



excavations, rocky bluffs and high protection walls; and the scarcity and difficulty of procuring good stone for masonry has greatly increased the cost of the work.

The Lycoming line, in common with all the branch lines, has been greatly delayed for want of adequate appropriations, but during the past season the work on it has generally been prosecuted with diligence. A greater scarcity of mechanics was experienced on this line, than on any other portion of the public works. These causes have produced the common complaints of a perpetual succession of re-lettings, at higher prices. To this cause may principally be ascribed the enhanced cost of the line: but the increase of this year's estimate over that of last year, is also partly owing to the works having been greatly strengthened, and the Bald Eagle side cut not being included in last year's estimate.

From Loyalsock feeder downwards, about fourteen miles may be finished by the first of July, and the remainder of the line can be completed by the first of September, 1834.

*Statement of the Funds of the Lycoming Line, and Lewisburg and Bald Eagle side cuts.*

Amount available of appropriations of 1831 and 1832	\$380,784 40
Pro rata deduction, under act of eleventh June, 1832, refunded	6,639 46
Appropriation of the sixteenth of February, 1833	470,007 90
	<u>\$857,431 76</u>
Disbursed in 1831	60,752 89
1832	174,688 34
1833	470,567 24
	<u>706,008 47</u>

Balance on hand, October thirty-one, 1833 \$151,423 29

There is due on this line for per centage	61,300 97
Estimated cost of completing the work	391,271 40
	<u>452,572 37</u>

Deduct the above balance 151,423 29

Amount required to complete the division \$301,149 08

Whole amount paid, is	706,008 47
Per centage retained and work to be done	452,572 37

Cost when completed \$1,158,580 84

	Miles. Perches.
Length of Lycoming line	41 258
Bald Eagle side cut	3 208
Lewisburg side cut	200

Whole length, 46 26

The Columbia line of the Eastern division, and the Frankstown line of the Juniata division were both filled with water last fall, subsequently to the date of our last report. A number of jobs on those lines, which at that time were in progress have been completed. Several contracts on the Columbia line are yet unfinished. The following is a statement of the funds appropriated to those lines and of their cost.

*Statement of the Funds appropriated to 8 miles and 227 perches of the Columbia line of the Eastern division.*

Amount available of appropriations of 1831 and 1832	127,445 69
Pro rata deduction under act of eleventh June 1832, refunded	2,469 36
Appropriation of the sixteenth of February, 1833	35,835 25
	<u>\$165,750 30</u>

Disbursed in 1831	37,491 98
1832	77,871 24
1833	35,226 28
	<u>150,589 50</u>

Balance on hand October thirty-one, 1833 \$15,160 80  
Per centage retained, and estimated cost of completing the work 15,000 00

Excess of appropriation 60 80

The whole amount paid, is	150,589 50
Per centage retained and work to be done	15,100 00

Whole cost of eight miles and two hundred and twenty-seven perches \$165,689 50

*A Statement of the Funds appropriated to the Frankstown line.*

Amount available of appropriations of 1831 and 1832	724,129 59
Pro rata deduction under the act of eleventh June, 1832, refunded	24,259 56
Appropriation of the sixteenth February, 1833	32,712 14

Disbursed in 1831	79,325 38
1832	556,980 31
1833	125,453 09
	<u>761,758 78</u>

Balance on hand thirty-first October, 1833 19,342 51  
Estimated cost of completing the line 18,999 92

Excess of appropriations \$342 59

The whole amount paid, is	761,758 78
Amount yet to pay	18,999 92

Whole cost on the Frankstown line \$780,758 70

	Miles. Perches.
Length of the Frankstown line	38 154
South Branch feeder	3 40
Whole length miles,	<u>41 194</u>

*Damages.*

The following sums have been paid within the last year, upon the several divisions, for damages:

Columbia railway	\$8,152 00
Western division	9,919 50
Beaver division	133 68
French creek feeder	122 25
North Branch division	16,726 80
Susquehanna division	1,870 91
West Branch division	5,595 00
Juniata division	17,517 96
Eastern division	1,050 00
Delaware division	11,156 00

\$72,244 10

The counsel of the Commonwealth were directed by the Board, previous to the argument of the cause pending in the Supreme court for damages upon the Eastern division, to offer to the respective claimants, as a compromise, the same sums which had been offered to them by the resolution of the Board of the twenty-fifth of September, 1830. Offers of compromise were also directed to be made, with one exception, to the other claimants, in causes pending in the Supreme court at Lancaster and at Sunbury. The offers of the compromise made, in the cause pending at Sunbury, were accepted; they have since been paid, and satisfaction is entered. Neither of the offers of compromise, to claimants upon the Eastern division, were accepted. The



causes were argued before the Supreme court at Lancaster, in May last. Four of the seventeen have been decided in favour of the Commonwealth, and the others are still pending.

*A Statement of the sums appropriated and applicable to the new lines, and of the sums required to complete the same.*

	Sums appropri'd.	Sums required.
Columbia railway	\$2,402,100 36	\$804,895 58
Portage railway	1,214,793 06	365,846 35
Beaver division and She- nango towing-path	424,241 62	57,041 36
Franklin line and north and west ends feeder	348,160 29	94,398 05
Wyoming line and Lack- awanna feeder	284,892 85	17,341 58
Lycoming line and Lewis- burg and Bald Eagle side cuts	857,431 76	301,149 08
Frankstown line & South Branch feeder	781,101 29	
Columbia line, 8 miles 227 perches	165,750 30	
Sum required to complete		\$1,640,672 00
There will be required for new work upon old lines, and for the purchase of lots for houses and offices for collec- tors and lock keepers, and to pay debts due		100,000 00
To pay debts due by supervisors for la- bor and materials	64,298 58	
For repairs the ensuing year	410,701 42	
		475,000 00
To pay damages		49,328 00
Amounting to		\$2,265,000 00
The estimate of the expenses of the en- gines, &c, at the inclined planes upon		

the Portage railway, is for the next year \$41,666 50

For expenses of horses, if horses are used as the motive power on the levels between the inclined planes 18,732 50

For expenses of engines, &c. at the inclined planes, upon the Columbia railway 10,000 00

Six locomotive engines for the Columbia railway, watering places, depots, workshops, &c. are estimated at 51,000 00

No estimate has been made of the expense of working the locomotive engines.

Before closing this report, the Board wish to call the attention of the Legislature to the propriety of authorizing the construction of locks, to connect the Susquehanna river with the canal at Ritner's, on the Susquehanna division, so as to afford an inlet to the coal that is carried on the Lykens Valley railway; and on the Columbia line, opposite to the works of the Codorus Navigation Company, that a large portion of the citizens of York county may participate more fully in the benefits of the State improvement; and also at Harrisburg, for the convenience of the citizens of Cumberland county.

The legislative provisions in relation to the Columbia, Chicques and Marietta road, the road on sections eighty-eight and eighty-nine of the North Branch division, and the abutments of the French creek feeder dam at Bemus' mill, have been severally acted on by the Board.

The examination and survey of the damages sustained by the owners of private property, by the construction of the tunnel through Grants' Hill, in the city of Pittsburg, has been made, as directed by the resolution of the eighth of April last, and will be the subject of a special report.

Signed by order of the Board.  
JAMES CLARKE, President.  
FRANCIS R. SHUNK, Secretary.  
Harrisburg, Nov. 1, 1833.

*Statement of the property conveyed on the Pennsylvania Canal and Railway during the year ending of 31st October, 1833.*

COLLECTORS' OFFICES.	Flour.	Wheat.	Rye, corn, &c	Grass seeds.	Pota- toes.	Beef & pork.	Fish.	Butter, Cheese.
	Bar'ls.	Bush'ls.	Bush'ls.	Bush.	Bush'ls.	Bar'ls	Barrels.	Pounds.
Philadelphia,	0	0	0	0	0	0	0	0
Portsmouth,	0	0	0	0	0	0	8373	0
Harrisburg,	0	0	0	0	0	0	7273	0
Lewistown,	3	0	80	0	0	0	475	0
Huntingdon,	123	0	1498	0	0	0	855	262
Conemaugh,	5	0	701	0	0	0	0	0
Blairsville,	8	0	5	0	29	0	1	1105
Leechburg,	0	0	396	0	0	0	0	1000
Northumberland,	0	0	0	0	0	0	2015	0
Berwick,	1220	0	3152	0	0	16	200	0
Bristol,	0	0	0	0	112	87	3617	14575
New Hope,	0	0	0	0	0	0	7	0
North and West,	1,359	00	5,832	0	141	103	22,830	16,942
Portsmouth,	1881	2816	0	0	0	0	536	0
Harrisburg,	6939	73120	36560	1270	0	0	0	0
Lewistown,	12541	36067	17792	150	0	55	0	22769
Huntingdon,	8541	6648	2111	603	0	269	66	30703
Hollidaysburg,	584	0	0	0	4	0	63	13724
Blairsville,	610	0	7313	0	195	0	18	123
Leechburg,	2	125	519	0	0	0	2	0
Pittsburg,	4181	0	753	0	536	0	564	63179
Northumberland,	8992	31100	11900	900	0	0	0	102122
Berwick,	32	258	0	0	240	0	0	21150
New Hope,	2463	1002	500	0	0	29	0	1114
Easton,	24263	3589	38178	0	215	0	0	36327
South and East,	71,029	154,725	115,626	2,923	1,190	353	1,249	291,211



*Statement of property conveyed on Pennsylvania canal and railway, continued.*

COLLECTORS' OFFICES.	Lard & Tallow	Salt.	Provisions.	Wool.	Cotton.	Hemp.	Tobacco.	Leather, &c	Furs, &c
	Pounds.	Bushels.	Pounds.	Pounds.	Pounds.	Pou'ds	Pounds.	Pounds.	Pounds.
Philadelphia,	0	0	1350	0	0	0	0	0	0
Portsmouth,	0	39294	9184	0	0	0	0	409034	0
Harrisburg,	0	25548	0	3920	0	0	0	454972	0
Lewistown,	0	1357	90645	0	0	0	0	4795	0
Huntingdon,	240	839	0	0	0	0	0	16340	0
Conemaugh,	0	54	0	0	0	0	0	500	0
Blairsville,	0	0	9196	224	0	0	0	12024	0
Leechburg,	0	288784	0	150	0	0	0	0	0
Northumberland,	0	15040	0	0	0	0	0	22048	124
Berwick,	0	321	32673	0	0	0	955	2746	0
Bristol,	8328	24042	26337	0	36787	12353	53332	96117	0
New Hope,	0	45	0	0	0	0	0	0	0
North and West,	8,568	395,324	169,385	4,294	36,787	12,353	54,287	1,018,576	124
Portsmouth,	0	913	0	0	0	0	0	5696	0
Harrisburg,	0	0	0	0	0	0	0	210108	0
Lewistown,	0	0	236470	0	0	0	0	19526	0
Huntingdon,	2824	155	14349	3934	0	2352	0	21378	560
Hollidaysburg,	0	6295	180538	166764	23608	2632	170749	1987	0
Blairsville,	0	35929	207853	0	0	0	350	1742	0
Leechburg,	0	390	0	500	0	0	0	0	0
Pittsburg,	16083	0	234233	136690	23806	30070	213491	17857	0
Northumberland,	0	0	71644	0	0	0	0	9344	0
Berwick,	0	357	366	0	0	0	0	1000	0
New Hope,	0	0	0	0	0	0	0	0	0
Easton,	0	0	491692	2110	0	3382	0	66158	0
South and East,	18,907	44,039	1,437,145	309,998	47,414	38,436	384,590	352,796	560

COLLECTORS' OFFICES.	Whiskey.	Domestic Spirits.	For. Liquor.	Merchan- dize.	Oil	Gyp- sum.	Furni- ture.	Win'w Glas.	Rags.
	Gallons.	Gallons.	Gallons.	Pounds	Gall'ns	Tons.	Pounds.	Boxes.	Pounds.
Philadelphia,	128	0	0	5200	0	2	0	1	0
Portsmouth,	0	0	0	9724271	9756	5708	113141	0	0
Harrisburg,	0	0	0	7193137	6766	3414	196990	0	0
Lewistown,	1605	0	0	590461	0	465	53386	0	0
Huntingdon,	132	0	1716	551388	98	406	49804	0	0
Conemaugh,	0	0	0	5576	0	0	3376	0	0
Blairsville,	528	0	11769	4618807	2652	0	114010	0	0
Leechburg,	0	0	0	4760	0	0	31022	0	500
Northumberland,	0	0	0	2913439	0	1352	18576	0	0
Berwick,	3881	0	764	89606	92	30	8433	0	0
Bristol,	0	11818	36195	3853478	8071	3479	26555	360	0
New Hope,	0	0	0	108385	0	95	650	0	0
North and West,	6,274	11,818	50,444	29,658,508	27,435	14,951	615,943	361	500
Portsmouth,	0	0	0	120795	0	475	7628	0	0
Harrisburg,	62219	1683	0	0	0	0	84836	0	0
Lewistown,	11244	0	0	27256	120	2	20984	0	0
Huntingdon,	3791	66	0	13608	0	3	43956	12	11383
Hollidaysburg	12322	0	32	59492	407	0	11571	368	93705
Blairsville,	5672	0	231	30993	0	0	4255	0	0
Leechburg,	660	0	0	839	0	0	18940	0	0
Pittsburg,	64138	0	9551	762944	10252	0	46819	970	89245
Northumberland,	33657	0	0	0	16	0	9287	270	2971
Berwick,	891	0	0	1344	0	18	13511	0	0
New Hope,	0	0	0	0	0	0	0	0	0
Easton,	89265	0	0	0	8505	0	19866	72	8809
South and East,	283,859	1,749	9,814	1,017,271	13,000	498	281,653	1,692	206,113



*Statement of property conveyed on Pennsylvania canal and railway, continued.*

COLLECTORS' OFFICES.	Mineral Coal.	Iron.	Lead.	Copper & Tin.	Marble.	Lime.	Lime- stone.	Slate for roofs.	Bricks.
	Tons.	Pounds.	Pounds.	Pounds.	Pounds.	Bushels.	Per's.	Pounds.	Thous'd
Philadelphia.	5	364814	0	600	0	0	0	13410	0
Portsmouth,	45	4074550	0	0	46959	0	0	0	0
Harrisburg,	31	2346039	0	0	112503	0	227	0	111
Lewistown,	78	662365	0	0	0	0	0	0	0
Huntingdon,	0	593529	0	762	2321	0	0	0	1
Conemaugh,	0	1447779	0	0	0	14281	0	0	0
Blairsville,	353	10132666	0	5634	0	865	0	0	3
Leechburg,	10	297390	0	0	0	0	0	0	0
Northumberland,	0	0	0	0	13580	0	0	0	8
Berwick,	0	55285	0	370	4000	13570	87	0	0
Bristol,	10	602464	0	1145	101504	4567	0	0	3
New Hope,	0	4220	0	0	0	0	0	0	0
North and West,	532	20,581,101	—J	8511	280,867	33,283	314	13,440	126
Portsmouth,	539	1596044	0	0	0	0	646	0	12
Harrisburg,	1867	2436536	0	0	0	0	0	0	52
Lewistown,	70	2937879	0	0	0	0	0	0	41
Huntingdon,	30	139930	0	1096	400	0	0	0	0
Holidaysburg,	443	90738	0	0	0	0	0	0	6
Blairsville,	13	400842	60	404	0	9	0	0	0
Leechburg,	0	11222	0	0	0	1020	0	0	0
Pittsburg,	16	1462967	8559	8207	8	0	0	0	255
Northumberland,	4402	417716	0	100	0	0	0	0	0
Berwick,	4212	0	0	0	0	0	0	0	0
New Hope,	7090	0	0	0	0	0	440	0	0
Easton,	81124	294353	0	0	0	2351	85	1137198	0
South and East.	99,806	9,788,227	8619	9,807	400	3,380	1,171	1,137,198	366

COLLECTORS' OFFICES.	Timber.	Sawed Lumber.	Staves, Heading & Hoop poles.	Shingles	Post & Rails.	Wood for Fuel.	Bark.	Sundries.
	Feet.	Feet.	Pounds.	Thous'd	Hun'd	Cords.	Cords.	Pounds.
Philadelphia,	0	6173	0	10	0	2	0	2776840
Portsmouth,	0	2030604	0	388	118	16	0	418010
Harrisburg,	0	24672	0	0	0	118	0	943946
Lewistown,	0	5851	0	0	0	0	0	213705
Huntingdon,	1800	74508	0	0	19	47	15	296746
Conemaugh,	0	19219	0	0	0	0	0	7050
Blairsville,	0	85607	5600	79	6	5	0	1751320
Leechburg,	0	0	16800	0	14	0	5	19530
Northumberland,	0	0	0	0	0	0	0	422000
Berwick,	0	0	0	0	0	0	0	77357
Bristol,	46679	40350	68088	20	0	0	0	1190068
New Hope,	0	0	0	0	0	0	0	201261
North and West,	468479	2,286,784	90,488	497	157	188	20	8,317,833
Portsmouth,	0	762567	4480	141610	63	0	52	337045
Harrisburg,	2000	1042702	445794	279	94	1679	198	146148
Lewistown,	0	55820	0	0	19	106	0	43985
Huntingdon,	850	42400	36350	9	350	0	14	146146
Holidaysburg,	2528	17191	132143	48	15	0	0	164077
Blairsville,	0	18436	0	54	6	0	0	1970235
Leechburg,	0	114991	0	196	0	0	0	5450
Pittsburg,	0	88774	161500	85	7	680	384	1352401
Northumberland,	5307	162915	0	150	7	20	5	70339
Berwick,	0	8600	58500	39	0	5	0	21486
New Hope,	0	115086	0	0	0	6	61	4345257
Easton,	0	137300	0	13	0	0	0	7830185
South and East.	10,685	2,566,782	838,767	142,483	561	2,496	714	16,432,754



## A GENERAL STATEMENT

Showing the amount of tolls received, number of boats cleared, and quantity of tonnage cleared, at the several collector's offices; and the number of miles travelled by passengers on the Pennsylvania canal and railway, during the year ending on the thirty-first of October, 1833.

PLACE OF COLLECTION.	Tolls paid into the Treasury.	No. of boats cleared.	Property conveyed.		Passenge rs.
			North & West.	South & East	
	Dolls. Cts.		Nett tons.	Nett tons.	Miles travel'd.
Philadelphia, . . . . .	5002 58	0	1721	0	352111
Portsmouth, . . . . .	25543 90	1327	20208	5312	19015
Harrisburg, . . . . .	19650 09	1443	12572	12390	18742
Lewistown, . . . . .	7703 84	453	1553	5032	15614
Huntingdon, . . . . .	3564 08	424	1704	2320	211810
Holidaysburg, . . . . .	3847 10	428	0	1009	1383
Conemaugh, . . . . .	875 00	60	1138	0	5493
Blairsville, . . . . .	14225 00	693	8999	2676	199635
Leechburg, . . . . .	4355 85	291	8328	345	542
Pittsburg, . . . . .	4993 20	821	0	5406	40198
Northumberland, . . . . .	7670 88	727	4133	8100	1523
Berwick . . . . .	3416 32	239	955	4870	2203
Bristol, . . . . .	11418 65	3071	18235	0	4341
New Hope, . . . . .	1675 03	338	267	11544	1868
Easton, . . . . .	31735 46	2214	0	100277	3840
Portsmouth out-let locks, . . . . .	516 32	0	0	0	0
Do. bridge over Swatara, . . . . .	541 76	0	0	0	0
Bridge at Duncan's Island, . . . . .	3485 06	0	0	0	0
Aqueduct at Duncan's Island, . . . . .	61 41	0	0	0	0
Do. at Shaver's ford, . . . . .	10 00	0	0	0	0
Do. at Jack's Narrows, . . . . .	144 62	0	0	0	0
Do. at Kiskeminetas, . . . . .	250 83	0	0	0	0
Do. at Pittsburg, . . . . .	736 71	0	0	0	0
	\$51,419 69	12,529	79,813	159,281	878,318

## DEPOSITS—BANK OF THE UNITED STATES.

(Continued from page 400.)

The next evidence adduced of the Bank's opposition to him, is its claims for damages. Of this he gives the following account:

"The Bank became the purchaser of a bill drawn by our Government on that of France for about 900,000 dollars, being the first instalment of the French indemnity. The purchase money was left in the use of the Bank, being simply added to the Treasury deposits. The Bank sold the Bill in England, and the holder sent it to France for collection, and arrangements not having been made by the French government for its payment it was taken up by the agents of the Bank in Paris, with the funds of the Bank in their hands. Under these circumstances it has, through its organs, openly assailed the credit of the Government, and has actually made and persists in a demand of fifteen per cent. or \$158,842 77 as damages, when no damage, or none beyond some trifling expense has in fact been sustained, and when the Bank had in its own possession on deposit, several millions of the public money which it was then using for its own profit. Is a fiscal agent to the Government, which thus seeks to enrich itself at the expense of the public, worthy of further trust?"

First. It is not correct to state that the Bank was the "fiscal agent" of the Government in this matter. On the contrary, the fiscal agency of the Bank was offered without any charge to the Government, and declined. The Bank did not wish to purchase the Bill at all, but proposed to collect it, paying the money only after it had been received by the agents of the Bank in France. Thus when the Secretary of the Treasury wrote to the Bank about this bill, the President of the Bank in his answer dated November 5, 1832, said

"The Bank has already in Paris a larger sum than it has any immediate use for, yet it is not indisposed to in-

crease it because it may hereafter have occasion for the funds, and because it is believed that if the terms can be made acceptable, the purchase of the whole by the Bank, would be the best operation for the Government;"—and again in the same letter—

"In regard to the rate, you are the most competent judge of its fitness, and I will merely add, that the Bank not wanting funds in Paris, and believing that they will be lower hereafter, would not make a similar purchase from any other quarter, and is influenced exclusively by the belief that any other arrangement would be less advantageous to the Treasury."

So in his letter of the 11th of February, 1833, "The purchase of the bill is not in the least desirable to the Bank, nor would the rate now allowed be given to any other drawer than the Government, for we shall send by the same conveyance which carries your bill, a large amount of bills purchased at 5.45, being nearly 1½ per cent. less than the price actually given to the Treasury."

The Bank then did not wish to purchase the bill. But the Bank offered its agency to collect it on the following terms, on the 5th November, 1832.

"Should you prefer not fixing a rate at present, but to take the chances of a higher rate hereafter, the Bank on receiving your bill, would place the amount of it to the credit of the Government on the 2d of March, at the current rate of exchange of the best bills on that day in Philadelphia."

Here then was a distinct proposal to collect the bill just as the Bank collects bills for individuals, so that if the bill had, in Nov. 1832, been sent to the Bank, it would have been forwarded to Europe; and if on the 2d of Feb. 1833, when it was payable in Paris, it had not been paid, the Bank would have been apprised of that fact and would not have made the payment on the 2d of March, and the whole transaction would have been closed. This course, however, the Government did not adopt—but after considering the offers for the bill made



from other quarters, decided to sell it to the Bank.

Secondly. It is not the fact that this money "was left in the use of the Bank, being simply added to the Treasury Deposits."

Suppose that it had been, it would not in the slightest degree affect the question of damages. When a party sells a bill, and is paid for it, that is, has the funds placed to his credit to be drawn whenever he chooses without further notice, the party is as much paid—the fund belongs as little to the Bank—as if the party had actually withdrawn the whole sum in specie. But not only was the fund in this case drawn from the general resources of the Bank, and placed to the credit of the Treasury, but immediately after that was done Congress passed a law to lend the money, and the Secretary of the Treasury issued a notice that this money was to be forthwith lent out to capitalists, that is to say to be immediately withdrawn. The credit given to the Treasurer was on the 11th of February, 1833. The notice of the Secretary dated the 6th of March, offered to lend out this money after the 20th of March—of course the Bank could make no use of it—on the contrary, as it would probably be withdrawn immediately, it became not merely useless as a deposit, but required the Bank to shape its loans to others, so as to provide for the immediate payment.

Nor is this all. Not only was this sum passed to the credit of the Treasurer—not only was the early withdrawal of it from the Bank announced by the Secretary, but the identical proceeds of this identical French bill, were actually used by the Government for the payment of its ordinary expenses.

The account of the Treasurer at the Bank stood thus—

February 11	.	.	\$717,264 22
18	.	.	1,735,460 40
(in consequence of the payment of the French bill.)			
February 25	.	.	1,842,658 14
March 4	.	.	1,620,699 89
11	.	.	1,551,627 97
18	.	.	1,560,783 63
25	.	.	1,496,907 43
30	.	.	1,052,862 10
April 8	.	.	1,082,560 88
15	.	.	918,816 61
22	.	.	746,613 61
29	.	.	826,070 90
May 6	.	.	814,046 61
13	.	.	774,630 47
20	.	.	431,560 43

when the money was paid.

It will thus be seen, that there was at the credit of the Treasurer on the 18th of February, the sum of \$1,735,460 40, of which \$903,565 89 were the proceeds of the French bill, and as in the month of April there was to his credit only \$746,613 61, the difference between these two sums, that is to say \$156,952 28 had been drawn for out of that fund of \$903,565 89.

Accordingly when the Treasurer came to repay the money, he had not enough of it remaining—but was obliged to draw on funds elsewhere, so that in acknowledging the receipt of his draft on the 11th of May, 1833, the Cashier of the Bank added,

"Your transfer check for \$700,000 on the office of the Bank of the United States at New York will appear at the credit of your account this day, and will thus prevent the overdraft which the change now advised would otherwise have occasioned."

In the United States then the Bank had paid the amount of the bill in its least convenient form. But when it was protested in Paris, the agents of the Bank finding a bill with its name upon it protested, came forward and paid it on account of the Bank—so that the Bank had actually paid for this bill twice over—once in Philadelphia and once in Paris—that is, it had of course

a credit for the proceeds of the sale of the bill in London, but its actual disbursements on account of the bill were upwards of \$1,800,000.

What makes the case stronger is this—that on the 22d of March, the day when the protested bill came back to the Bank, the whole amount in the credit of the Treasury throughout the whole United States, with the exception of the Danish indemnity money, was \$1,827,048 88. Now the Bank had advanced \$903,565 89 in Philadelphia, and \$921,590 18 in Paris, making \$1,825,156 07, so that although it had credit in England for the bill sold there, the Bank had actually advanced on account of this bill a sum equal within less than two thousand dollars, of the whole funds of the Government in the Bank.

When the bill returned protested, the Bank, as the endorser, called upon the Government to pay the principal and the damages. It did this as a matter of course. It did it as a matter of the clearest duty to the Government, because if the Government had any right at all to draw the bill, it had a right to make France pay the damages for its breach of contract, and it had no mode of claiming against France, unless in the first instance it paid the damages to the Bank, which it might the more readily do, as being one-fifth partner of the Bank, its own share of the \$158,000 would be \$31,600.

But whether the French Government pays these damages or not, it is manifest that the American Government must pay them—and this upon the simple principles, not of equity, but of ordinary honesty.

From the foundation of the Government to the present day, whenever the Government has purchased a bill from a private citizen, and that bill has from whatever cause returned protested, no matter how hard the case may be, no matter what circumstances of excuse or mitigation may be offered by the citizen, no matter whether damages were actually sustained or not, the Government has rigorously enforced its claim for damages. It has not merely forced a solvent merchant to pay, but has insisted that its claim for damages should have its legal precedence over all the just rights of the other creditors of an insolvent; and now when the case is changed, when the Government sells its own bill to its own citizens, and that bill returns protested, with what propriety, nay with what pretensions to common honesty, can the Government presume to deny the same justice to its own citizens. The books of the Treasury are crowded with cases of damages exacted by the Government from American citizens—and one is now selected merely from its peculiar aptness to the present occasion.

Some years ago Mr. Stephen Girard sold to the Treasury four bills, two of which returned protested owing to the insolvency of his correspondent in London; when the two others became due they were paid for the honour of Mr. Girard, by the Messrs. Barings, who also agreed to pay the two first in London, as of the day on which they were payable. Mr. Girard applied to Congress for exoneration from the claim of twenty per cent. damages, alleging—

"That from the said sum of £22,500 sterling, due on the 18th August last, being passed by Sir Francis Baring & Co. to the credit of the Secretary of the Treasury of the United States, 'as on the day the same became due' no real loss or damage can accrue to the United States from the said bills being returned under protest."

Congress rejected the claim, and Mr. Girard paid the damages of twenty per cent.

On that occasion, the Committee of Claims called on the Secretary of the Treasury, Mr. Gallatin, and in his answer, which makes part of their report, he says that he had rejected Mr. Girard's claim for four reasons, of which the two most essential are:

"1st. Because, considering the large amount of bills (more than two millions of dollars,) annually purchased on account of Government, it appeared absolutely ne-



cessary never to give up the damages whenever a legal right to them had accrued, and because that right has in every instance, without regard to persons or circumstances, been enforced.

"2d. Because if abandoned in this instance and for that reason, every drawer who was solvent might by making a remittance to the bankers in Europe, after bills protested for non-payment had been returned to the Treasury, induce them to make a similar offer, and evade the payment of damages.

The lapse of years at last reversed the state of the parties. Mr. Girard becomes the largest stockholder in a corporation called the Bank of the United States, and he and his partners, in the course of their business, purchase a bill from the same officer, the Secretary of the Treasury, which comes back protested after having been twice paid for. Mr. Girard's heirs and his associates apply to the Secretary—not even for the same amount which Mr. Girard formerly paid—not for twenty per cent. the damages in Pennsylvania—but for fifteen per cent. the damages in Washington; and the only answer vouchsafed by the Treasury Department is, that the claim "has no foundation in law or equity"—to which the President now adds, that it is an attempt to "impair the credit of the Government, and tarnish the honour of the country." Such a course tends to an utter confusion of all ideas of justice; nor is it a thing tolerable by the American people, that an individual shall go among the citizens purchasing bills and exacting damages, and when his own bill, sold to these same citizens, returns protested, he shall wrap himself up in his official immunity, and refuse to do to his fellow citizens what he has compelled them to do to him.

But supposing all this to be directly the reverse of what it really is—supposing the claim to be questionable instead of equitable, is there any thing in it which can at all justify this denunciation of the Bank? Here is a claim made by certain American citizens for damages on a bill of exchange, which they have purchased of the Government. The question is a legal one. The judicial tribunals are to decide it. Yet while the Bank is quietly waiting the action of the laws, the President of the United States prejudices the question—denounces the Bank for having presumed to make the claim—and gives that to the country as a reason why he should instantly remove a Secretary of the Treasury, in order to subject the whole public revenue of the United States to his own disposal.

In further illustration of the opposition of the Bank to his election, he next proceeds to treat of certain acts of the Board of Directors. The annunciation of these is prefaced by remarks on the magnitude and importance of the facts, their recent disclosure and their great enormity; and the whole is concluded by a complaint of the "hundreds of thousands and even millions" which may be employed in subverting the liberties of the country, and in disparaging the Executive. How little foundation in fact there is for all this will be readily seen by examining the allegations in the order in which they are presented.

First. He says, that "although the charter and the rules of the Bank both declare that 'not less than seven directors' shall be necessary to the transaction of business, yet the most important business, even that of granting discounts to any extent, is entrusted to a committee of five members who do not report to the Board."

Now, the charter does not require seven directors to make discounts.

Nor do the rules of the Bank require seven directors.

Nor is it true that any committee of five have this power to discount.

Nor does any committee discount without reporting to the Board.

The charter says that "not less than seven directors shall constitute a Board for the transaction of business."

But the business of the Board is not exclusively nor primarily to make loans:—its business is to govern the whole Institution. If the charter required seven Directors to make a discount, it would have said so of the Boards of Directors of the Branches, whose more exclusive business it is to discount. But it places no such restriction on the Branches, where by far the greater discounts are made. The business of the Board is to prescribe how the details of the operations of the Bank are to be made—it may delegate a portion of its power of making loans to Committees; for in truth to require a Board of seven Directors to meet before any bill could be discounted, would entirely destroy the most useful operations of the Bank—and accordingly the Exchange Committee meet every day for the purchase of bills, and their purchases are submitted to the Board at their next meeting. It would be supposed from the manner in which it is stated, that this was some recent innovation. So far from it, the discounting of bills of exchange was formerly done by a smaller number than at present. On the 13th of February, 1821, during the administration of Mr. Cheves, and before the time of the present officers, a rule was adopted that—

"In the absence of the Exchange Committee, the President and Cashier shall be authorized to purchase exchange which may be offered for sale, if an immediate answer be desired, and report such purchases to the Exchange Committee at its next meeting thereafter."

Thus giving the power here complained of to only a single director of the Bank. Yet no one ever imagined that it was a violation of the charter. In truth it is a power exercised very generally by the officers of Banks throughout the United States.

The second is—"To cut off all the means of communication with the Government in relation to its most important acts, at the commencement of the present year, not one of the Government Directors was placed on any one Committee. And although, since, by an unusual remodelling of those bodies, some of those Directors have been placed on some of the Committees, they are yet entirely excluded from the Committee of Exchange, through which the greatest and most objectionable loans have been made."

There are two things remarkable in this paragraph—first, the strangeness of the confession; and next, the fallacy of the statement. It is here asserted that not to have the Government Directors on Committees is to "cut off all means of communication with the Government in relation to its most important acts;" that is to say, that the confidential opinions and the unreserved expressions used by their colleagues on a Committee are to be communicated to the Government. It is precisely this fact, thus officially announced, which would make these Directors unsafe depositories of the confidence of their colleagues. "At the commencement of the present year," he proceeds, "not one of the Government Directors was placed on any one Committee." Now of these Directors, who could then be appointed, there were but two residents of Philadelphia—the third not having yet been appointed. Why these two Directors, one of whom had just come, for the first time, into a banking institution, were not named on the Committees, in the place of old and valued Directors, it would be more invidious than difficult to decide; but that there was no studied exclusion was obvious from the fact that at the very next quarterly appointment, two out of the three Government Directors were placed on Committees. Nor is there any foundation for the assertion that an "unusual remodelling" of these Committees has taken place. On the contrary, the Committees were appointed quarterly, as they have for years been appointed, and not the slightest remodelling of them, usual or unusual, has taken place. As to the Exchange Committees, who are charged with the arrangement of the Foreign and Domestic Exchanges of the Bank, requiring commercial experience and



knowledge of the business and the credit of individuals, those who are presumed most qualified are most naturally chosen. These Directors have no claim to the slightest distinction above their colleagues, and they must take their chance with the other members in the formation of the Committees. In truth, men will choose their associates on committees, as in every thing else, from confidence in their capacity of their personal qualities; and not to be chosen to places of trust implies only that others are more trusted.

The third is—"It has long been known that the President of the Bank, by his single will originates and executes many of the most important measures connected with the management of the credit of the Bank; and that the Committee as well as the Board of Directors, are left in entire ignorance of many acts done, and correspondence carried on in their names and apparently under their authority."

An assertion so general can only be met by as general a denial; at the same time, the Committee deem it their duty to declare, that this allegation so positively made, as of a known and acknowledged fact, while it charges the Board of Directors with a dereliction of their duty, and a surrender of their trust, does the greatest and most flagrant wrong to the officer who presides over this Institution. This officer has devoted eleven years of the best portion of his life, and all his time and all his talents during that period, to the service of the Bank: he has at all times, consulted freely with the Directors, and has never sought to make his "single will" the law of the Bank. The proofs of the ability and integrity of his administration, are to be read in the prosperity and strength of the Institution; in the reiterated approbation of the stockholders; and in the unwavering confidence of the successive Boards of Directors, who have been the witnesses of his labours. And the Committee confidently believe that such proofs can never be obliterated by such sweeping declarations, let them emanate from what source they may.

The fourth is in the following passage:

"The expenditures purporting to have been made under authority of these resolutions, during the years 1831 and 1832, were about 80,000 dollars."

This, too, is another mis-statement. The expenditures purporting to be made under these resolutions during the years 1831 and 1832 were, as will be explained in this report, exactly \$48,287 90.

The fifth is; "That publications have been prepared and extensively circulated containing the grossest invectives against the officers of the Government; and the money which belongs to the stockholders and to the public, has been freely applied in efforts to degrade, in public estimation, those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous Institution."

"The fact has been recently disclosed, that an unlimited discretion has been, and is now vested in the President of the Bank to expend its funds in payment for preparing and circulating articles, and purchasing pamphlets and newspapers, calculated by their contents to operate on elections and secure a renewal of its charter."

Here are two mistakes: It is not true that any "publications have been prepared and extensively circulated containing the grossest invectives against the officers of the Government." Nor is it true that any power is vested in the President "for preparing and circulating articles, and purchasing pamphlets and newspapers, calculated by their contents to operate on elections and secure a renewal of its charter." No such power is given, and no such power is exercised.

The power actually given which has been exercised, and will continue to be exercised, is for the defence of the Bank against the calumnies with which for four years, the institution has been pursued.

The sixth is,

"The fact that the Bank controls, and in some cases

substantially owns—and by its money supports, some of the leading presses of the country, is now more clearly understood."

This whole allegation is denied.

The Bank does not now control, and never did control any press whatever—the Bank does not own and never did own any press—the Bank does not now support, nor did it ever support, by its money, any press. Created for the purpose of giving aid to every branch of industry, it has not presumed to proscribe the conductors of the press from their share of the accommodation due to their capital and industry. Of the extent and the security of these loans the Directors claim the exclusive privilege of judging.

The course of this inquiry has now brought the Committee to the second paper referred to them by the Board signed by the Government Directors. It appears from their report that the President of the United States addressed a letter to them, "directing them to examine and report upon the expense account of the Bank of the United States for the last two years," and particularly "that portion which embraced expenditures calculated to operate on the election"—which examination they state "undoubtedly presents circumstances which in our opinion warrant the belief you have been led to entertain." This assertion of a right in the President of the United States to inquire into the expenses of the Bank, with a view to ascertain whether any money was expended which might directly or indirectly interfere with his own personal election, is alike novel and untenable. His authority, as we have seen, is limited to the power of issuing a *scire facias*. But in no part of the charter of the Bank, in no law of this country is there found any power in the President to interfere in the internal concerns of the institution, or to direct secret investigations. But that which they regard with surprise and regret is, that these Directors, having such a commission to execute from the President, never communicated the fact to their colleagues nor to the Officers of the Bank; and while these Officers were giving to them the freest and most unreserved access to all the books and papers of the Bank, and while their colleagues were sitting in perfect confidence by their sides, neither those Officers nor the Directors had the remotest suspicion of this official investigation into their conduct, begun nearly two months before under orders of the President—until they read it in the newspapers. When at the meeting of the Board, after its publication, the subject was introduced, one of the Government Directors in effect acknowledged that they had purposely concealed their object, lest if their colleagues had been aware of it, they would not have permitted it. What the Committee deem therefore a subject of just complaint, is the want of candour in thus trying their colleagues, without apprizing them that they were on trial, or giving them any chance of knowing or answering the charges made against them by the President.

The report itself bears manifest evidence of the haste with which it was prepared. Thus "we proceeded," say they, "to look into such of the vouchers on which they are founded as we had time and opportunity to do." They state that they would have sent copies of these vouchers, but, "the time and labour necessary for this mode would have prevented our resorting to it at present." When the truth is, that a few hours of tranquil industry would have enabled them to copy every word of these vouchers.

Again they say, "we were obliged to depend on our own partial inquiries." The errors of this hasty and partial enquiry the Committee will now proceed to notice.

1st. The first impression attempted to be made is that, whatever is here stated are discoveries of things hitherto concealed, and which now see the light in consequence of their exertions. Thus they speak of the expenditures "discovered by us," and of their "investigations," that they requested a particular statement



from the Board, which "request was not complied with," and that they were "obliged to depend on their own partial inquiries." And, finally, they say with an air of despondency "we must infer from the course pursued by the Board when our resolutions were submitted to them, that a more exact statement can only be obtained by an agent directly authorised by the Executive." Nothing can be more erroneous than such an impression. No one concealed—no one desired to conceal—no one could conceal this whole matter. The resolutions of the Board were on the minutes—the expenses under them were all recorded in a book, the vouchers all referred to by number in that book; and all of them—minutes—expense book and vouchers were always to be seen and examined by the Directors,—so that the whole process of discovery was to ask for the books and vouchers, and to receive them. In the same spirit, they remark that, "the expense account, as made up in the book which was submitted to us, contained very little information relative to the particulars of this expenditure, and we were obliged, in order to obtain them, to resort to an inspection of the vouchers." What did these Directors expect in an expense book? This book contains the name of the party, the sum paid, and the number of the voucher which supports it; and the voucher is at hand to verify it. If they meant that each item of each account should be copied into this expense book, they mean that which no expense account ever did contain, or ever ought to contain; and the objection shows only the spirit in which the inquiry was conducted.

2d. Another effort is to make it appear that these expenditures were exclusively at the Bank in Philadelphia, leaving of course the inference open, that the expenditures at the Branches might be in the same proportion. "All expenditures of this kind, say the Committee, introduced into the expense account, and discovered by us, we found to be, so far as regards the institution in this city, embraced under the head of stationary and printing."

Now the truth is, that these expenses were not confined to Philadelphia, but embraced all the United States. The expense book showed, and the vouchers proved, that these expenditures were made in various and remote parts of the Union—a fact too apparent to escape immediate observation.

3d. The next misrepresentation is this. After quoting the resolutions, they proceed—"In pursuance, it is presumed, of these resolutions, the item of stationary and printing was increased, during the first half of the year 1831, to the enormous sum of \$29,979 92."

Now it appears on the very face of the expense account, that the increase to this enormous sum, so far from having been occasioned by these resolutions, was caused by the purchase of large quantities of paper and engravings for bank notes, and by the supply of common stationary for the Bank.

The enormous sum in question was	\$29,979 92
This consisted of the following items—	
Common Stationary,	\$1080 32
Printing black forms and rules,	443 76
Books,	267 68
Newspapers,	179 91
Engraving bank notes,	4178 37
Paper,	300 00
Silk for making paper,	2886 67
Sheeting for do.	1421 94
Silks for do.	2121 64
Silks for do.	788 13
Subscription to the Coffee House,	10 00

\$13,678 42

Printing and circulating Mr. Gallatin's book on Banking,	\$3941 23
Do. Smith and Mc-	

Duffie,	2512 06
Reviews and Address to legislatures, and miscellaneous items,	9848 21
	\$16,301 50

\$29,979 92

So that this enormous increase was occasioned in a great degree by having a new set of bank notes prepared and engraved, amounting to \$11,696 75—and moreover, nearly one half of this enormous increase has no relation to the expenses to which it is meant to ascribe it.

4th. The next is, that among the expenditures noted is one of \$1447 75, for printing "agreeably to order and letter from John Sergeant, Esq." The gratuitous introduction of the name of this gentleman is obviously designed to connect his agency with some political purpose. But there is not the slightest foundation for it.

The fact itself was known to the Committee of Investigation in 1832, and although urged to make the same use of it as is now attempted, they had too much sense of justice to employ it. Early in the year 1831, while Mr. Sergeant was a member of the Board of Directors, he received a letter from Mr. Wilson, a respectable printer, in Steubenville, proposing to reprint the reports of Messrs. Smith and McDuffie, about the Bank. Mr. Sergeant presented the letter to the officer of the Bank, who was charged by the Board with the multiplication of these reports, and was requested by him to apprise Mr. Wilson, that he might print a certain number of copies. He did so. In sending his account, as he had not communicated with any officer of the Bank, he referred to his authority to do the work, as having come through Mr. Sergeant, and thus the receipt stands. So that the whole agency of Mr. Sergeant was to answer an application to him as a Director, from a printer, to print some reports of committees of Congress, and other documents on the concerns of the Bank.

5th. The next is, the effort to make it appear that all the expenses reported, had been made to influence public elections. This is not expressly asserted, but it is so stated as inevitably to convey that impression. Thus they say, "We deemed it expedient at present to confine our investigations to that portion which embraced expenditures calculated to operate on the elections. All expenditures of this kind, introduced into the expense account and discovered by us, we found to be, so far as regards the Institution in this city, embraced under the head of stationary and printing. To it, therefore, we chiefly directed, &c. &c."

Then follows a list of expenses all of which it is intended to represent as calculated to influence elections. Thus in the case just cited, they proclaim the enormous sum of \$29,979 92, which they presume to have been expended in pursuance of the resolutions, and of course as having a bearing on elections. Now we have just seen, that of this whole \$29,000, more than \$13,000 were for bank notes and miscellaneous stationary; that \$3,941 23 was for Mr. Gallatin's book on currency, which could have no possible connection with elections; that \$2,500 were for reprinting Mr. M'Duffie's and General Smith's reports, which Congress itself had reprinted in unusual numbers, and that of the whole remaining sum of \$10,000 for miscellaneous expenses, none could be spent on elections, from the simple fact that in this first half year of 1831, no elections of any kind in which the Bank could, by any possibility, have an interest, were impending for eighteen months to come, or even in remote agitation; yet this report would convey, to the majority of readers, the belief that the whole of the \$29,000 were lavished upon elections.

But the most signal error is reserved for the last.

They say "it appears by the expense account of the Bank for the years 1831 and 1832, that upwards of \$80,000 were expended and charged under the head of



stationary and printing during that period, and that a large proportion of this was paid to the proprietors of newspapers and periodical journals; and for the printing, distribution and postage of immense numbers of pamphlets and newspapers," &c. Now it is true that the expense of printing and stationary for those two years was upwards of \$80,000, but by using the vague phrases of a "large portion" and "immense numbers," the impression conveyed to the mind is, that the whole, or nearly the whole, of this amount must have been disbursed for the object to which the President objects; and accordingly the President, in his paper, states in so many words, that "the expenditures purporting to have been made under authority of these resolutions, during the years 1831 and 1832, were about \$80,000," and thus the mis-statement insinuated in the report, becomes declared in the manifesto.

Now these Directors must have perceived that of these \$80,000,  
There were paid for making and printing  
bank notes \$24,591 96  
For printing bank forms and other necessary papers, 1,848 08  
For books and stationary, 6,053 88  
For various miscellaneous expenses, 653 25

Making a total of \$33,593 76  
So that at once more than thirty-three thousand dollars of the eighty thousand are shown to have no connection whatever with the matter of this reproach.

It is moreover to be observed that the Committee of investigation of 1832, examined the subject—had this very expense book before them—remark in their report the increase of the expense of printing, but it may be presumed that neither they, nor any other authority, till now, thought such a subject worthy of being pursued.

Having thus exposed the errors of this report, the Committee will briefly state the facts in regard to these disbursements.

The course adopted by the Bank has been simple, plain, and avowed. It is this:

The Bank of the United States, like every other Bank, derives much of its advantages from its credit, and its general reputation for solvency; and the Directors are, therefore bound by official as well as personal considerations to remove unfounded prejudices, and to repel injurious calumnies on the Institution entrusted to their care.

Soon after the first message to Congress, issued by the signer of the present paper, it became necessary to counteract the schemes for the destruction of the Bank by the diffusion of intelligence among the people. Accordingly the following resolutions have been adopted by the Board.

On the 30th of November, 1830, "The President submitted to the Board a copy of an article on Banks and Currency, just published in the American Quarterly Review of this city, containing a favourable notice of this Institution, and suggested the expediency of making the views of the author more extensively known to the public than they can be by means of the subscription list—whereupon it was on motion,

"Resolved, That the President be authorized to take such measures in regard to the circulation of the contents of the said article, either in the whole or in part, as he may deem most for the interest of the Bank."

On the 11th of March, 1831, "The President stated to the Board, that in consequence of the general desire expressed by the Directors at one of their meetings of the last year, subsequent to the adjournment of Congress, and a verbal understanding with the Board, measures had been taken by him in the course of that year, for printing numerous copies of the Reports of General Smith and Mr. M'Duffie, on the subject of this Bank, and for widely disseminating their contents through the United States; and that he had since, by virtue of the

authority given him by a resolution of this Board, adopted on the 30th day of November last, caused a large edition of Mr. Gallatin's Essay on Banks and Currency, to be published and circulated in like manner, at the expense of the Bank. He suggested, at the same time, the expediency and propriety of extending still more widely a knowledge of the concerns of this Institution, by means of the republication of other valuable articles, which had issued from the daily and periodical press.

"Whereupon, it was, on motion,  
"Resolved, That the President is hereby authorized to cause to be prepared and circulated, such documents and papers as may communicate to the people information in regard to the nature and operations of the Bank."

And finally on the 16th of August, 1833, the following resolution:

"Resolved, That the Board have confidence in the wisdom and integrity of the President, and in the propriety of the resolutions of the 30th of November, 1830, and 11th of March, 1831—and entertain a full conviction of the necessity of a renewed attention to the objects of the resolutions; and that the President be authorized and requested to continue his exertions for the promotion of said objects."

The resolutions of 1830 and 1831, were passed openly and unanimously by the Board, the two Government Directors who attended concurring in them; and they have been carried into effect without the least reserve or secrecy. The form of the resolution was the same as that adopted on a kindred subject—the arrest of counterfeiters—a short time previous, on the 25th of October, 1830.

"Resolved, That the President of this Bank be authorized to take whatever measures he may think proper for the discovery and arrest of counterfeiters of the notes and drafts, and to incur such expenses from time to time in effecting that object as he may deem useful or necessary."

The expenses incurred, as stated in the expense account, in executing these resolutions, from December, 1829, when the first assault was made on the Bank by the President, to the present time, running through the years 1829, 1830, 1831, 1832, and 1833, amount to \$58,265 05, making an average for the last four years of \$14,583 76 a year.

During that period, the total expenses under the head of printing and stationary, amounted to \$105,057 73

Of which, the proportion for the defence of the Bank, was \$58,265 04

And for the miscellaneous expenses of books and stationary, 46,792 69

\$105,057 73

This will be seen more perspicuously in the following statement:

	Printing and circulating reports to Congress.	Speeches in Congress, and other miscellaneous publications.	Books and stationary.
1830	\$5,085 67	2,291 47	6,704 33
1831	2,650 97	19,057 56	21,496 26
1832	4,395 63	22,183 74	12,098 57
1833		2,600 00	6,493 53
	\$12,132 27	\$46,132 77	\$46,792 69

So that the general result is, that within four years past, the Bank has been obliged to incur an expense of \$58,000 to defend itself against injurious misrepresentations.



This has been done with regret that it should be necessary, but with the strongest conviction of its propriety, and without the slightest wish either to disavow or to conceal it. On the contrary, the Bank asserts its clear right to defend itself equally against those who circulate false statements, and those who circulate false notes. Its sole object, in either case, is self defence. It cannot suffer itself to be calumniated down, and the interests confided to its care sacrificed by falsehoods. A war of unexampled violence has been waged against the Bank. The Institution defends itself. Its assailants are what are called politicians; and when statements which they cannot answer, are presented to the country, they reproach the Bank with interfering in politics. As these assaults, too, are made at the period of public elections, the answers of the Bank must of course follow at the same time;—and thus, because these politicians assail the Bank on the eve of elections, unless the Institution stands mute, it is charged with interfering in politics, and influencing elections. The Bank has never interfered in the slightest degree in politics, and never influenced elections; but it will not be deterred by the menaces or clamors of politicians, from executing its duty in defending itself. Of the time and manner and degree and expense connected with this service, the Board of Directors claim to be the sole and exclusive judges. Whether the defence is too costly, is for the Stockholders, whose interests are sustained by it, to decide; but certainly, the assailants themselves have no right to complain of the expenses they have occasioned. Their own duty in the full proportion which may be needed for defending the Institution entrusted to them, the Board of Directors will cheerfully and zealously perform.

The Committee conclude this examination by offering, as the result of their reflections, the following resolution:—

Resolved, That the removal of the public funds from the Bank of the United States, under the circumstances, and in the manner in which it has been effected, is a violation of the contract between the Government and the Bank—and that the President be instructed to present a memorial to Congress, requesting that redress should be afforded for the wrong which has been done to the Institution.

From the Commercial Herald.

COMMERCE OF PHILADELPHIA.—The following table shows the number of arrivals at this port, from the 1st of April to the 20th Nov., inclusive, embracing a period of nearly eight months. From this statement it appears that the average number of arrivals has been upwards of three hundred a month.

MONTHS.	Ships.	Barques.	Brigs.	Scho'rs	Sloops.	Total.
April, - - -	11 0	45	220	37	313	
May, - - -	8 2	70	230	23	333	
June, - - -	8 7	61	229	25	330	
July, - - -	14 3	84	252	54	407	
August, - - -	13 3	49	167	40	272	
September, - - -	4 5	61	209	39	318	
October, - - -	8 3	52	183	38	284	
November, (to 20th)	5 0	29	103	25	162	
Total,	71 23	451	1593	281	2419	

From the Germantown Telegraph.

THE INDIAN NAME OF LOGAN.—The Indian name, Logan, so celebrated in the American annals, appears to have been derived from James Logan, who bequeathed the Loganian Library to the citizens of Philadelphia, and who lived so long in the vicinity of this town. For a period of near fifty years, James Logan had the care

and management of the Indians. In a letter which we have seen of his, to the Penn family, he says that in all other things he had been saving and economical, except in his intercourse with the Indians; in that he had been highly generous and liberal, believing that justice and policy equally demanded it. One of the chiefs named Wingohocking, proposed to Logan an exchange of names in the Indian fashion; this being agreed to, the Indian took the name of Logan, and the name of the chief, Wingohocking, was given to the creek running through the Stenton grounds, and which runs on the north side of this town. This is said and believed to be the origin of the Indian name Logan! W.

WOOD.—It is rather a singular fact, that the present prices of wood, in Philadelphia, are at lower average rates, than they are in this place. In the city, hickory sells from \$6 50 to \$7, and oak at from \$4 50 to \$5. In this place, the former sells at from \$7 to \$7 50, and the latter from \$6 to \$6 25. It is also unaccountable, that marketable produce, generally, is disposed of at higher average rates here, than in the regular city markets.—*Germantown Telegraph.*

PHILADELPHIA, Dec. 11, 1833.

At a meeting of the Underwriters and Merchants of Philadelphia, held at the Coffee House, this day—

Robert Waln, Esq. was called to the Chair, and G. Ralston, acted as Secretary.

On motion, it was

Resolved, That this meeting consider a Trigonometrical Survey of the River and Bay of Delaware, as far out as eight miles from the Cape, would be of great advantage to the Commerce of this and the adjoining States, and that application be made to the United States Government for a survey as early as convenient.

Also—

Resolved, that this meeting consider the re-building of the Light House on the Brandywine Shoal, as essential to the safe navigation of the Delaware, and that application be made to Government to have this accomplished.

Ordered that these proceedings be published in all the City papers.

ROBERT WALN, Chairman.

GERARD RALSTON, Secretary.

CAPACITY OF CANAL BOATS.—A considerable increase has taken place of late in the size of canal boats. A boat carrying fifty-four tons of coal descended our canal last week. The average capacity of our canal boats built a few years ago did not exceed thirty tons, and there are some which carried no more than twenty-five tons; but here in the instance mentioned is an increase of nineteen tons. Now if the capacity of this boat should be made the standard in the construction of the boats hereafter, we conceive that an important benefit would result to all parties interested, boat owners, boatmen and shippers.—*Miner's Journal.*

## THE REGISTER.

PHILADELPHIA, DEC. 28, 1833.

With this number closes the present volume, for which, the Index will be delivered with an early number of the next.

The Law abolishing Lotteries in this State, takes effect from and after the 31st instant.

The weather is mild for the season.

ERRATUM.—On page 408, for ,300, read 19,300, as the total gallons of Oil.





















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